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WORKS

OF

HENRY CLAY

SPEECHES

WINFIELD SCOTT.

WORKS

OF

HENRY CLAY

Comprising His Life, Correspondence and Speeches

EDITED BY

CALVIN COLTON, LL.D.

WITH AN INTRODUCTION BY

THOMAS B. REED

SPEAKER OF THE HOUSE OF REPRESENTATIVES

AND A HISTORY OF TARIFF LEGISLATION FROM 1812 TO 1896 BY

WILLIAM McKINLEY

PRESIDENT OF THE UNITED STATES

COMPLETE IN SEVEN VOLUMES

VOLUME V

NEW YORK

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PREFACE TO VOLUME V

THIS volume is the fifth of the series comprising the Life, Correspondence, and Speeches of Henry Clay, the first three being devoted to the Life, the fourth to the Correspondence, and the fifth and sixth to the Speeches. The author of the first three volumes, containing the Life of Mr. Clay, becomes an editor in the last three, which contain the Correspondence and Speeches.

The author of the Life, who is the editor of the Correspondence and Speeches, thinks it proper, in this edition of the Speeches, to say, that his objects have been, first, to give Mr. Clay's speeches down to the end of his life. They had never before been collected later than 1844. Those delivered by him in the Thirty-first Congress in 1849, 1850, and 1851, comprehending about one fourth of all that have been preserved, are among the most interesting and most important of his life—more especially those which were delivered on the Compromises of 1850.

The next object of the editor has been, to give a historical introduction to each of the speeches, showing the position which each of them occupied in the history of the country. These introductions are rarely analytical; but they generally relate to

matters outside of the speeches, though connected with them in their historical relations; and they furnish opportunities, as will be seen, to say things which could not with propriety be said in the Life of Mr. Clay.

The author of the Life and editor of the Correspondence and Speeches of Mr. Clay, has endeavored to bring together, in these six volumes, the entire history of his subject; and he is not aware that any thing of importance has been omitted. The work is intended to represent the place which Mr. Clay occupied in the social and political history of the country.

C. COLTON.

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SPEECHES

OF

HENRY CLAY.

ON DOMESTIC MANUFACTURES.

IN SENATE, APRIL 6, 1810.

[THE speeches of Mr. Clay, before popular assemblies, for some dozen years after he removed to Kentucky, together with his forensic arguments and the part he took in the debates of the Legislature of that State for the same period, which laid the foundation of his reputation as a public man, and which have been represented by those who heard them as among the finest specimens of his oratorical and argumentative powers, are not extant in any form worthy of being published. It would, indeed, be most interesting, if we were able to display the fervid eloquence of Mr. Clay's youth, in company with the speeches of his riper years. We should then have before us some of the original elements of his fame. The press was not then able, as it is now, to send its reporters into the courts, to the hustings, and into legislative assemblies, to give to the public the speeches of gifted men. Even when Mr. Clay first appeared in the Senate of the United States, in 1806, and made several important speeches there, especially one on INTERNAL IMPROVEMENTS, the press of the day failed to record them; and it was not till his second appearance in that body, when the session of Congress was far advanced, that we have an imperfect report of his virgin speech on DOMESTIC MANUFACTURES, which is here presented. This theme, as is well known to the student of history, was one of the great studies of Mr. Clay's public life, which was never relaxed to his dying day. A careful attention to this short speech will show that it contains all the fundamental elements

of the same argument which was afterward, during Mr. Clay's long public life, so much enlarged, so greatly diversified, so well illustrated, and so effectively enforced. In this speech we find the germ of all he ever said upon the subject. Mr. Clay's first conceptions of a great theme appertaining to state affairs, were next to infallible. He had only occasion to dilate—never to change. Even on the bank question, as we shall see, he only changed with a change of circumstances. There was no inconsistency. Like a skillful statesman, he had the frankness and the boldness to adapt himself to events which at one time were against the renewal of the charter, but which afterward rendered it imperative. Mr. Clay had previously and eloquently advocated domestic manufactures, while a member of the Legislature of Kentucky, as a State policy. In the Senate of the United States, on the 6th of April, 1810, the same subject being in debate before that body, Mr. Clay spoke as follows:]

MR. PRESIDENT—

The local interest of the quarter of the country, which I have the honor to represent, will apologize for the trouble I may give you on this occasion. My colleague has proposed an amendment to the bill before you, instructing the Secretary of the Navy to provide supplies of cordage, sail-cloth, hemp, etc., and to give a preference to those of American growth and manufacture. It has been moved by the gentleman from Massachusetts (Mr. Loyd) to strike out this part of the amendment; and, in the course of the discussion which has arisen, remarks have been made on the general policy of promoting manufactures. The propriety of this policy is, perhaps, not very intimately connected with the subject before us; but it is, nevertheless, within the legitimate and admissible scope of debate. Under this impression I offer my sentiments.

In inculcating the advantages of domestic manufactures, it never entered the head, I presume, of any one, to change the habits of the nation from an agricultural to a manufacturing community. No one, I am persuaded, ever thought of converting the plowshare and the sickle into the spindle and the shuttle. And yet this is the delusive and erroneous view too often taken of the subject. The opponents of the manufacturing system transport themselves to the establishments of Manchester and Birmingham, and, dwelling on the indigence, vice, and wretchedness prevailing there, by pushing it to an extreme, argue that its introduction into this country will necessarily be attended by the same mischievous and dreadful consequences. But what is the fact? That England is the manufacturer of a great part of the world; and that, even there, the numbers thus employed bear an inconsiderable proportion to the whole mass of population. Were we to become the manufacturers of other nations,

effects of the same kind might result. But if we limit our efforts, by our own wants, the evils apprehended would be found to be chimerical. The invention and improvement of machinery, for which the present age is so remarkable, dispensing in a great degree with manual labor, and the employment of those persons who, if we were engaged in the pursuit of agriculture alone, would be either unproductive, or exposed to indolence and immorality, will enable us to supply our wants without withdrawing our attention from agriculture, that first and greatest source of national wealth and happiness. A judicious American farmer, in the household way, manufactures whatever is requisite for his family. He squanders but little in the gewgaws of Europe. He presents, in epitome, what the nation ought to be *in extenso*. Their manufactories should bear the same proportion, and effect the same object, in relation to the whole community, which the part of his household employed in domestic manufacturing bears to the whole family. It is certainly desirable that the exports of the country should continue to be the surplus production of tillage, and not become those of manufacturing establishments. But it is important to diminish our imports; to furnish ourselves with clothing, made by our own industry; and to cease to be dependent, for the very coats we wear, upon a foreign and, perhaps, inimical country. The nation that imports its clothing from abroad is but little less dependent than if it imported its bread.

The fallacious course of reasoning urged against domestic manufactures, namely, the distress and servitude produced by those of England, would equally indicate the propriety of abandoning agriculture itself. Were you to cast your eyes upon the miserable peasantry of Poland, and revert to the days of feudal vassalage, you might thence draw numerous arguments, of the kind now under consideration, against the pursuits of the husbandman! What would become of commerce, the favorite theme of some gentlemen, if assailed with this sort of weapon? The fraud, perjury, cupidity, and corruption, with which it is unhappily too often attended, would at once produce its overthrow. In short, sir, take the black side of the picture, and every human occupation will be found pregnant with fatal objections.

The opposition to manufacturing institutions recalls to my recollection the case of a gentleman of whom I have heard. He had been in the habit of supplying his table from a neighboring cook and confectioner's shop, and proposed to his wife a reform in this particular. She revolted at the idea. The sight of a scullion was dreadful, and her delicate nerves could not bear the clattering of kitchen furniture. The gentleman persisted in his design; his table was thenceforth cheaper and better supplied, and his neighbor, the confectioner, lost one of his best customers. In like manner dame Commerce will oppose domestic manufactures. She is a flirting, flippant, noisy jade, and if we are governed by her fantasies, we shall never out off the muslins of India and the cloths of Europe. But I

trust that the yeomanry of the country, the true and genuine landlords of this tenement, called the United States, disregarding her freaks, will persevere in reform, until the whole national family is furnished by itself with the clothing necessary for its own use.

It is a subject no less of curiosity than of interest, to trace the prejudices in favor of foreign fabrics. In our colonial condition, we were in a complete state of dependence on the parent country, as it respected manufactures, as well as commerce. For many years after the war, such was the partiality for her productions, in this country, that a gentleman's head could not withstand the influence of solar heat unless covered with a London hat; his feet could not bear the pebbles, or frost, unless protected by London shoes; and the comfort or ornament of his person was only consulted when his coat was cut out by the shears of a tailor "just from London." At length, however, the wonderful discovery has been made, that it is not absolutely beyond the reach of American skill and ingenuity to provide these articles, combining with equal elegance greater durability. And I entertain no doubt that, in a short time, the no less important fact will be developed, that the domestic manufactories of the United States, fostered by government, and aided by household exertions, are fully competent to supply us with at least every necessary article of clothing. I therefore, sir, for one (to use the fashionable cant of the day), am in favor of encouraging them, not to the extent to which they are carried in England, but to such an extent as will redeem us entirely from all dependence on foreign countries. There is a pleasure—a pride (if I may be allowed the expression, and I pity those who can not feel the sentiment), in being clad in the productions of our own families. Others may prefer the cloths of Leeds and of London, but give me those of Humphreysville.

Aid may be given to native institutions in the form of bounties and of protecting duties. But against bounties it is urged that you tax the whole for the benefit of a part only of the community; and in opposition to duties it is alleged, that you make the interest of one part, the consumer, bend to the interest of another part, the manufacturer. The sufficiency of the answer is not always admitted, that the sacrifice is merely temporary, being ultimately compensated by the greater abundance and superiority of the article produced by the stimulus. But, of all practical forms of encouragement, it might have been expected, that the one under consideration would escape opposition, if every thing proposed in Congress were not doomed to experience it. What is it? The bill contains two provisions—one prospective, anticipating the appropriation for clothing for the army, and the amendment purposes extending it to naval supplies, for the year 1811—and the other, directing a preference to be given to home manufactures and productions, whenever it can be done without material detriment to the public service. The object of the first is, to authorize contracts to be made beforehand, with manufacturers, and by making advances to them, under proper security, to enable them to supply the articles

wanted in sufficient quantity. When it is recollected that they are frequently men of limited capitals, it will be acknowledged that this kind of assistance, bestowed with prudence, will be productive of the best results. It is, in fact, only pursuing a principle long acted upon, of advancing to contractors with government, on account of the magnitude of their engagements. The appropriation contemplated to be made for the year 1811, may be restricted to such a sum as, whether we have peace or war, we must necessarily expend. The discretion is proposed to be vested in officers of high confidence, who will be responsible for its abuse, and who are enjoined to see that the public service receives no material detriment. It is stated that hemp is now very high, and that contracts, made under existing circumstances, will be injurious to government. But the amendment creates no obligation upon the Secretary of the Navy, to go into market at this precise moment. In fact, by enlarging his sphere of action, it admits of his taking advantage of a favorable fluctuation, and getting a supply below the accustomed price, if such a fall should occur prior to the usual annual appropriation.

I consider the amendment, under consideration, of the first importance, in point of principle. It is evident, that whatever doubt may be entertained, as to the general policy of the manufacturing system, none can exist as to the propriety of our being able to furnish ourselves with articles of the first necessity in time of war. Our maritime operations ought not, in such a state, to depend upon the casualties of foreign supply. It is not necessary that they should. With very little encouragement from government, I believe we shall not want a pound of Russia hemp. The increase of the article in Kentucky has been rapidly great. Ten years ago there were but two rope manufactories in the State. Now there are about twenty, and between ten and fifteen of cotton bagging; and the erection of new ones keeps pace with the annual augmentation of the quantity of hemp. Indeed, the western country, alone, is not only adequate to the supply of whatever of this article is requisite for our own consumption, but is capable of affording a surplus for foreign markets. The amendment proposed possesses the double recommendation of encouraging, at the same time, both the manufacture and the growth of hemp. For by increasing the demand for the wrought article, you also increase the demand for the raw material, and consequently present new incentives to its cultivator.

The three great subjects that claim the attention of the national legislature, are the interests of agriculture, commerce, and manufactures. We have had before us a proposition to afford a manly protection to the rights of commerce, and how has it been treated? Rejected! You have been solicited to promote agriculture, by increasing the facilities of internal commu ication, through the means of canals and roads, and what has been done? Postponed! We are now called upon to give a trifling support to our domestic manufactures, and shall we close the circle of congressional inefficiency, by adding this also to the catalogue?

ON THE LINE OF THE PERDIDO.

IN SENATE, DECEMBER 25, 1810.

[MR. CLAY appears in this speech in defense of Mr. Madison, President of the United States, against the opposition, who had arraigned the President for having taken possession of a territory in dispute between the United States and Spain, extending from the Mississippi to the river and bay of the Perdido, which is now the western boundary of Florida, and consequently the eastern line of Alabama. Florida was originally a colony of Spain, and was settled by her. In 1763 it was ceded to Great Britain, and afterward receded to Spain in 1783. Louisiana had also repeatedly changed hands, first from France to Spain, afterward from Spain to France, and it was sold to the United States in 1803, under the administration of Mr. Jefferson. Under all these changes, the Perdido had always been the recognized boundary between Florida and Louisiana, till Spain came in possession of both, when, for her own convenience of jurisprudence, she incorporated with Florida the territory between the Perdido and the Mississippi. Hence the dispute between the United States and Spain, after the purchase of Louisiana by Mr. Jefferson. Mr. Madison, in concurrence with the advice of his Cabinet, thought proper to put an end to this controversy by taking possession of the disputed territory, and the following speech was delivered by Mr. Clay in vindication of this course. The Louisiana which France ceded to Spain was doubtless the same Louisiana which Spain receded to France, and which we bought of France; and its eastern boundary was the Perdido. The patent granted by Louis XIV. to Crozat, referred to in this speech of Mr. Clay, represents Louisiana as bounded west "by New Mexico," and east "by the lands of the English of Carolina." Although this last line is not very definite, in view of the present civil divisions of that country, it is evident enough that it could not extend to the Mississippi, nor further west than the Perdido; and this patent of Louis XIV. was the best authority

extant for deciding this question. The ground of Mr. Clay's argument, therefore, may be regarded as impregnable.

It is remarkable that Mr. Clay, while delivering this speech, looked forward to the time when Florida would become a part of the United States, and that he thought of the Canadas also as having a like probable destiny.]

MR. PRESIDENT—

It would have gratified me if some other gentleman had undertaken to reply to the ingenious argument, which you have just heard. (From Mr. Horsey, of Delaware.) But not perceiving any one disposed to do so, a sense of duty obliges me, though very unwell, to claim your indulgence, while I offer my sentiments on this subject, so interesting to the Union at large, but especially to the western portion of it. Allow me, sir, to express my admiration at the more than Aristidean justice, which in a question of territorial title between the United States and a foreign nation, induces certain gentlemen to espouse the pretensions of the foreign nation. Doubtless, in any future negotiations, she will have too much magnanimity to avail herself of these spontaneous concessions in her favor, made on the floor of the Senate of the United States.

It was to have been expected, that, in a question like the present, gentlemen, even on the same side, would have different views, and although arriving at a common conclusion, would do so by various arguments. And hence the honorable gentleman from Vermont entertains doubt with regard to our title against Spain, while he feels entirely satisfied of it against France. Believing, as I do, that our title against both powers is indisputable, under the treaty of St. Ildefonso, between Spain and France, and the treaty between the French republic and the United States, I shall not inquire into the treachery, by which the King of Spain is alleged to have lost his crown; nor shall I stop to discuss the question involved in the overthrow of the Spanish monarchy, and how far the power of Spain ought to be considered as merged in that of France. I shall leave the honorable gentleman from Delaware to mourn over the fortunes of the fallen Charles. I have no commiseration for princes. My sympathies are reserved for the great mass of mankind, and I own that the people of Spain have them most sincerely.

I will adopt the course suggested by the nature of the subject, and pursued by other gentlemen, of examining into our title to the country lying between the Mississippi and the Rio Perdido (which, to avoid circumlocution, I will call West Florida, although it is not the whole of it) and the propriety of the recent measures taken for the occupation of that Territory. Our title, then, depends, first, upon the limits of the province or colony of Louisiana, and, secondly, upon a just exposition of the treaties before mentioned.

On this occasion it is only necessary to fix the eastern boundary. In order to ascertain this, it will be proper to take a cursory view of the settlement of the country, because the basis of European title to colonies in America, is prior discovery, or prior occupancy. In 1682, La Salle migrated from Canada, then owned by France, descended the Mississippi, and named the country which it waters, Louisiana. About 1698, D'Iberville discovered, by sea, the mouth of the Mississippi, established a colony at the Isle of Dauphine, or Massacre, which lies at the mouth of the bay of Mobile, and one at the mouth of the river Mobile, and was appointed, by France, governor of the country. In the year 1717, the famous West India Company sent inhabitants to the Isle of Dauphine, and found some of those who had settled there under the auspices of D'Iberville. About the same period, Baloxi, near the Pascagoula, was settled. In 1719, the city of New Orleans was laid off, and the seat of government of Louisiana was established there; and in 1736 the French erected a fort on Tombigbee. These facts prove that France had the actual possession of the country as far east as the Mobile, at least. But the great instrument which ascertains, beyond all doubt, that the country in question is comprehended within the limits of Louisiana, is one of the most authentic and solemn character which the archives of a nation can furnish. I mean the patent granted in 1712, by Louis XIV., to Crozat. [Mr. C. read such parts of the patent as were applicable to his purpose.] According to this document, in describing the province or colony of Louisiana, it is declared to be bounded by Carolina on the east, and Old and New Mexico on the west. Under this high record evidence, it might be insisted that we have a fair claim to East as well as West Florida, against France, at least, unless she has, by some convention, or other obligatory act, restricted the eastern limit of the province. It has, indeed, been asserted, that, by a treaty between France and Spain, concluded in the year 1719, the Perdido was expressly stipulated to be the boundary between their respective provinces of Florida on the east, and Louisiana on the west; but as I have been unable to find any such treaty, I am induced to doubt its existence.

About the same period, to wit, toward the close of the seventeenth century, when France settled the Isle of Dauphine, and the Mobile, Spain erected a fort at Pensacola. But Spain never pushed her actual settlements, or conquests, further west than the bay of Pensacola, while those of the French were bounded on the east by the Mobile. Between these two points, a space of about thirteen or fourteen leagues, neither nation had the exclusive possession. The Rio Perdido, forming the bay of the same name, discharges itself into the Gulf of Mexico, between the Mobile and Pensacola, and, being a natural and the most notorious object between them, presented itself as a suitable boundary between the possessions of the two nations. It accordingly appears very early to have been adopted as the boundary, by tacit if not expressed consent. The ancient charts and historians, therefore of the country, so represent it. Dupratz, one of

the most accurate historians of the time, in point of fact and detail, whose work was published as early as 1758, describes the coast as being bounded on the east by the Rio Perdido. In truth, sir, no European nation whatever, except France, ever occupied any portion of West Florida, prior to her cession of it to England, in 1762. The gentlemen on the other side do not, indeed, strongly controvert, if they do not expressly admit, that Louisiana, as held by the French anterior to the cession of it in 1762, extended to the Perdido. The only observation made by the gentleman from Delaware to the contrary, to wit, that the island of New Orleans, being particularly mentioned, could not, for that reason, constitute a part of Louisiana, is susceptible of a very satisfactory answer. That island was excepted out of the grant to England, and was the only part of the province east of the river that was so excepted. It formed in itself one of the most prominent and important objects of the cession to Spain originally, and was transferred to her with the portion of the province west of the Mississippi. It might with equal propriety be urged that St. Augustine is not in East Florida, because St. Augustine is expressly mentioned by Spain in her cession of that province to England. From this view of the subject, I think it results that the province of Louisiana comprised West Florida, previous to the year 1762.

What was done with it at this epoch? By a secret convention of the third of November, of that year, France ceded the country lying west of the Mississippi, and the island of New Orleans, to Spain; and by a cotemporaneous act, the articles preliminary to the definitive treaty of 1763, she transferred West Florida to England. Thus, at the same instant of time, she alienated the whole province. Posterior to this grant, Great Britain, having also acquired from Spain her possessions east of the Mississippi, erected the country into two provinces, East and West Florida. In this state of things it continued until the peace of 1783, when Great Britain, in consequence of the events of the war, surrendered the country to Spain, who, for the *first* time, came into actual possession of West Florida. Well, sir, how does she dispose of it? She reannexes it to the residue of Louisiana, extends the jurisdiction of that government to it, and subjects the governors, or commandants, of the districts of Baton Rouge, Feliciana, Mobile, and Pensacola, to the authority of the governor of Louisiana, residing at New Orleans; while the governor of East Florida is placed wholly without his control, and is made amenable directly to the governor of the Havannah. Indeed, sir, I have been credibly informed, that all the concessions, or grants of land, made in West Florida, under the authority of Spain, run in the name of the *government of Louisiana*. You can not have forgotten that, about the period when we took possession of New Orleans, under the treaty of cession from France, the whole country resounded with the nefarious speculations which were alleged to be making in that city with the connivance, if not actual participation, of the Spanish authorities, by the procurement of surreptitious grants of

land, particularly in the district of Feliciana. West Florida, then, not only as France had held it, but as it was in the hands of Spain, made a part of the province of Louisiana; as much so as the jurisdiction or district of Baton Rouge constituted a part of West Florida.

What, then, is the true construction of the treaties of St. Ildefonso, and of April, 1803, from whence our title is derived? If an ambiguity exist in a grant, the interpretation most favorable to the grantee is preferred. It was the duty of the grantor to have expressed himself in plain and intelligible terms. This is the doctrine, not of Coke only (whose dicta I admit have nothing to do with the question), but of the code of universal law. The doctrine is entitled to augmented force, when a clause only of the instrument is exhibited, in which clause the ambiguity lurks, and the residue of the instrument is kept back by the grantor. The entire convention of 1762, by which France transferred Louisiana to Spain, is concealed, and the whole of the treaty of St. Ildefonso, except a solitary clause. We are thus deprived of the aid which a full view of both of those instruments would afford. But we have no occasion to resort to any rules of construction, however reasonable in themselves, to establish our title. A competent knowledge of the facts connected with the case, and a candid appeal to the treaties, are alone sufficient to manifest our right. The negotiators of the treaty of 1803, having signed, with the same ceremony, two copies, one in English and the other in the French language, it has been contended, that in the English version the term 'cede' has been erroneously used instead of 'retrocede,' which is the expression in the French copy. And it is argued, that we are bound by the phraseology of the French copy, because it is declared that the treaty was agreed to in that language. It would not be very unfair to inquire, if this is not like the common case in private life, where individuals enter into a contract of which each party retains a copy, duly executed. In such case, neither has the preference. We might as well say to France, we will cling by the English copy, as she could insist upon an adherence to the French copy; and if she urged ignorance on the part of Mr. Marbois, her negotiator, of our language, we might with equal propriety plead ignorance, on the part of our negotiators, of her language. As this, however, is a disputable point, I do not avail myself of it; gentlemen shall have the full benefit of the expressions in the French copy. According to this, then, in reciting the treaty of St. Ildefonso, it is declared by Spain, in 1800, that she retrocedes to France, the colony or province of Louisiana, with the same extent which it then had in the hands of Spain, and which it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other states. This latter member of the description has been sufficietly explained by my colleague.

It is said, that since France, in 1762, ceded to Spain only Louisiana west of the Mississippi, and the Island of New Orleans, the retrocession comprehended no more—that the retrocession *ex vi termini* was commensurate

with and limited by the direct cession from France to Spain. If this were true, then the description, such as Spain held it, that is, in 1800, comprising West Florida, and such as France possessed it, that is, in 1762, prior to the several cessions, comprising also West Florida, would be totally inoperative. But the definition of the term retrocession contended for by the other side is denied. It does not exclude the instrumentality of a third party. It means restoration, or reconveyance of a thing originally ceded, and so the gentleman from Delaware acknowledged. I admit that the thing restored must have come to the restoring party from the party to whom it is retroceded; whether directly or indirectly is wholly immaterial. In its passage it may have come through a dozen hands. The retroceding party must claim under and in virtue of the right originally possessed by the party to whom the retrocession takes place. Allow me to put a case. You own an estate called Louisiana. You convey one moiety of it to the gentleman from Delaware, and the other to me; he conveys his moiety to me, and I thus become entitled to the whole. By a suitable instrument I reconvey, or retrocede the estate called Louisiana to you as I now hold it, and as you held it; what passes to you? The whole estate or my moiety only? Let me indulge another supposition, to wit: that the gentleman from Delaware, after he received from you his moiety, bestowed a new denomination upon it and called it West Florida;—would that circumstance vary the operation of my act of retrocession to you? The case supposed, is, in truth, the real one between the United States and Spain. France, in 1762, transfers Louisiana, west of the Mississippi, to Spain, and at the same time conveys the eastern portion of it, exclusive of New Orleans, to Great Britain. Twenty-one years after, that is, in 1783, Great Britain cedes her part to Spain, who thus becomes possessed of the entire province; one portion by direct cession from France, and the residue by indirect cession. Spain, then, held the whole of Louisiana under France, and in virtue of the title of France. The whole moved or passed from France to her. When, therefore, in this state of things, she says, in the treaty of St. Ildefonso, that she retrocedes the province to France, can a doubt exist that she parts with, and gives back to France the entire colony? To preclude the possibility of such a doubt, she adds, that she restores it, not in a mutilated condition, but in that precise condition in which France and she herself had possessed it.

Having thus shown, as I conceive, a clear right in the United States to West Florida, I proceed to inquire, if the proclamation of the president directing the occupation of propeaty, which is thus fairly acquired by solemn treaty, be an unauthorized measure of war and of legislation, as has been contended?

The act of October, 1803, contains two sections, by one of which the president is authorized to occupy the territories ceded to us by France in the April preceding. The other empowers the president to establish a provisional government there. The first section is unlimited in its dura-

tion; the other is restricted to the expiration of the then session of Congress. The act, therefore, of March, 1804, declaring that the previous act of October should continue in force until the first of October, 1804, is applicable to the second and not to the first section, and was intended to continue the provisional government of the president. By the act of 24th February, 1804, for laying duties on goods imported into the ceded territories, the president is empowered, whenever he deems it expedient, to erect the bay and river Mobile, etc., into a separate district, and to establish therein a port of entry and delivery. By this same act the Orleans territory is laid off, and its boundaries are so defined, as to comprehend West Florida. By other acts the president is authorized to remove by force, under certain circumstances, persons settling on, or taking possession of lands ceded to the United States.

These laws furnish a legislative construction of the treaty, corresponding with that given by the executive, and they indisputably vest in this branch of the general government the power to take possession of the country, whenever it might be proper in his discretion. The president has not, therefore, violated the constitution and usurped the war-making power, but he would have violated that provision which requires him to see that the laws are faithfully executed, if he had longer forborne to act. It is urged, that he has assumed powers belonging to Congress, in undertaking to annex the portion of West Florida, between the Mississippi and the Perdido, to the Orleans territory. But Congress, as has been shown, has already made this annexation, the limits of the Orleans territory, as prescribed by Congress, comprehending the country in question. The president, by his proclamation, has not made law, but has merely declared to the people of West Florida, what the law is. This is the office of a proclamation, and it was highly proper that the people of that territory should be thus notified. By the act of occupying the country, the government *de facto*, whether of Spain, or the revolutionists, ceased to exist; and the laws of the Orleans territory, applicable to the country, by the operation and force of law, attached to it. But this was a state of things which the people might not know, and which every dictate of justice and humanity, therefore, required should be proclaimed. I consider the bill before us merely in the light of a declaratory law.

Never could a more propitious moment present itself for the exercise of the discretionary power placed in the president; and, had he failed to embrace it, he would have been criminally inattentive to the dearest interests of this country. It can not be too often repeated, that if Cuba on the one hand, and Florida on the other, are in the possession of a foreign maritime power, the immense extent of country belonging to the United States, and watered by streams discharging themselves into the Gulf of Mexico—that is, one third, nay, more than two thirds of the United States, comprehending Louisiana, are placed at the mercy of that power. The possession of Florida is a guaranty absolutely necessary to

the enjoyment of the navigation of those streams. The gentleman from Delaware anticipates the most direful consequences from the occupation of the country. He supposes a sally from a Spanish garrison upon the American forces, and asks what is to be done? We attempt a peaceful possession of the country to which we are fairly entitled. If the wrongful occupants, under the authority of Spain, assail our troops, I trust they will retrieve the lost honor of the nation, in the case of the Chesapeake. Suppose an attack upon any portion of the American army, within the acknowledged limits of the United States, by a Spanish force? In such event, there would exist but a single honorable and manly course. The gentleman conceives it ungenerous that we should at this moment, when Spain is encompassed and pressed, on all sides, by the immense power of her enemy, occupy West Florida. Shall we sit by, passive spectators, and witness the interesting transactions of that country—transactions which tend, in the most imminent degree, to jeopardize our rights, without attempting to interfere? Are you prepared to see a foreign power seize what belongs to us? I have heard, in the most credible manner, that, about the period when the president took his measures in relation to that country, agents of a foreign power were intriguing with the people there, to induce them to come under his dominion; but whether this be the fact or not, it can not be doubted, that if you neglect the present auspicious moment, if you reject the proffered boon, some other nation, profiting by your errors, will seize the occasion to get a fatal footing in your southern frontier. I have no hesitation in saying, that if a parent country will not or can not maintain its authority, in a colony adjacent to us, and there exists in it a state of misrule and disorder, menacing our peace; and if, moreover, such colony, by passing into the hands of any other power, would become dangerous to the integrity of the Union, and manifestly tend to the subversion of our laws, we have a right, upon the eternal principles of self-preservation, to lay hold upon it. This principle alone, independent of any title, would warrant our occupation of West Florida. But it is not necessary to resort to it—our title being, in my judgment, incontestably good. We are told of the vengeance of resuscitated Spain. If Spain, under any modification of her government, choose to make war upon us, for the act under consideration, the nation, I have no doubt, will be willing to embark in such a contest. But the gentleman reminds us that Great Britain, the ally of Spain, may be obliged, by her connection with that country, to take part with her against us, and to consider this measure of the president as justifying an appeal to arms. Sir, is the time never to arrive when we may manage our own affairs without the fear of insulting his Britannic majesty? Is the rod of British power to be forever suspended over our heads? Does Congress put on an embargo to shelter our rightful commerce against the piratical depredations committed upon it on the ocean? We are immediately warned of the indignation of offended England. Is a law of non-intercourse proposed? The whole

navy of the haughty mistress of the seas is made to thunder in our ears. Does the president refuse to continue a correspondence with a minister who violates the decorum belonging to his diplomatic character, by giving and deliberately repeating an affront to the whole nation? We are instantly menaced with the chastisement which English pride will not fail to inflict. Whether we assert our rights by sea, or attempt their maintenance by land—whithersoever we turn ourselves, this phantom incessantly pursues us. Already has it had too much influence on the councils of the nation. It contributed to the repeal of the embargo—that dishonorable repeal, which has so much tarnished the character of our government. Mr. President, I have before said on this floor, and now take occasion to remark, that I most sincerely desire peace and amity with England; that I even prefer an adjustment of all differences with her, before one with any other nation. But if she persists in a denial of justice to us, or if she avails herself of the occupation of West Florida, to commence war upon us, I trust and hope that all hearts will unite in a bold and vigorous vindication of our rights. I do not believe, however, in the prediction that war will be the effect of the measure in question.

It is asked, why, some years ago, when the interruption of the right of deposit took place at New Orleans, the government did not declare war against Spain? and how it has happened that there has been this long acquiescence in the Spanish possession of West Florida? The answer is obvious. It consists in the genius of the nation, which is prone to peace; in that desire to arrange, by friendly negotiation, our disputes with all nations, which has constantly influenced the present and preceding administrations; and in the jealousy of armies, with which we have been inspired by the melancholy experience of free estates. But a new state of things has arisen: negotiation has become hopeless. The power with whom it was to be conducted, if not annihilated, is in a situation that precludes it; and the subject-matter of it is in danger of being snatched forever from our power. Longer delay would be construed into a dereliction of our right, and would amount to treachery to ourselves. May I ask, in my turn, why certain gentlemen, now so fearful of war, were so urgent for it with Spain, when she withheld the right of deposit? and still later, when in 1805 or 6, this very subject of the actual limits of Louisiana, was before Congress? I will not say, because I do not know that I am authorized to say, that the motive is to be found in the change of relation between Spain and other European powers, since those periods.

Does the honorable gentleman from Delaware really believe, that he finds in St. Domingo a case parallel with that of West Florida? and that our government, having interdicted an illicit commerce with the former, ought not to have interposed in relation to the latter? It is scarcely necessary to consume your time by remarking, that we had no pretension to that island; that it did not menace our repose, nor did the safety of the

United States require that they should occupy it. It became, therefore, our duty to attend to the just remonstrance of France, against American citizens' supplying the rebels with the means of resisting her power.

I am not, sir, in favor of cherishing the passion of conquest. But I must be permitted, in conclusion, to indulge the hope of seeing, ere long, the *new* United States (if you will allow me the expression) embracing, not only the old thirteen States, but the entire country east of the Mississippi, including East Florida, and some of the territories of the north of us also.

ON RENEWING THE CHARTER OF THE FIRST BANK OF THE UNITED STATES.

IN SENATE, 1811.

[In the strifes of parties in Mr. Clay's time, his opponents never forgot to accuse him of changing his opinion on the constitutionality of a national bank, as if it were a reproach, or a grave political offense; whereas he is a wise man who changes for sufficient reasons, and a bold man frankly to confess it. The change, however, in this case of Mr. Clay, was only apparent—certainly not inconsistent. When Mr. Clay opposed the re-charter of the bank of the United States in 1811, the country was prosperous, and the State banks in a sound and healthy condition. But the war of 1812 came on, during which most of the State banks suspended, and at the end of that war, the currency of the country was in a most deplorable condition. The General Government was without an authorised fiscal agent, and the commerce and trade of the country languished for lack of a uniform currency. Although the nation had acquiesced in the decision of Congress, in 1811, not to re-charter the bank of the United States, in 1816 there was a universal demand for a national bank, and a bill being brought into Congress for that object, Mr. Clay advocated it. His speech not having been published, he afterward delivered an address to his constituents, in explanation of the reasons of his course as differing from that of 1811, when he opposed the re-charter of the bank, as set forth in the following speech. His reasons were, first, that in 1811 he was instructed by the Legislature of Kentucky, to oppose the renewal of the charter, and that, in 1816, the voice of his constituents was in favor of a national bank. Next, in 1811, he had evidence that the bank had used its power to subserve the views of a political party, but the provisions of the new bill, in 1816, had sufficiently guarded against such an abuse of power; and, lastly, that the necessity of a national bank was not apparent in 1811, but that it had become so in 1816, and that it was thus

brought within the specified powers of the Constitution. In 1816, therefore, all doubts as to the constitutionality of a national bank were removed, in which all parties were agreed.

It could hardly be said, therefore, that Mr. Clay changed his opinion. He merely adopted a course indicated by the light of events. In 1811 he was guided by events. So in 1816. In statesmanship, as in the strategies of war, leaders are forced to change their position according to the change of circumstances. This is not necessarily a change of opinion on a specified question, when the question itself is modified by events, but a wise adaptation of policy to the new aspects of the question. The following are Mr. Clay's views in 1811. We shall see, by-and-by, what they were in 1816.]

MR. PRESIDENT—

When the subject involved in the motion now under consideration was depending before the other branch of the Legislature, a disposition to acquiesce in their decision was evinced. For although the committee who reported this bill, had been raised many weeks prior to the determination of that House, on the proposition to re-charter the bank, except the occasional reference to it of memorials and petitions, we scarcely ever heard of it. The rejection, it is true, of a measure brought before either branch of Congress, does not absolutely preclude the other from taking up the same proposition; but the economy of our time, and a just deference for the opinion of others, would seem to recommend a delicate and cautious exercise of this power. As this subject, at the memorable period when the charter was granted, called forth the best talents of the nation, as it has, on various occasions, undergone the most thorough investigation, and as we can hardly expect that it is susceptible of receiving any further elucidation, it was to be hoped that we should have been spared useless debate. This was the more desirable, because there are, I conceive, much superior claims upon us for every hour of the small portion of the session yet remaining to us. Under the operation of these motives, I had resolved to give a silent vote, until I felt myself bound, by the defying manner of the arguments advanced in support of the renewal, to obey the paramount duties I owe my country and its Constitution, to make one effort, however feeble, to avert the passage of what appears to me a most unjustifiable law. After my honorable friend from Virginia (Mr. Giles) had instructed and amused us with the very able and ingenious argument which he delivered on yesterday, I should have still forborne to trespass on the Senate, but for the extraordinary character of his speech. He discussed both sides of the question, with great ability and eloquence, and certainly demonstrated, to the satisfaction of all who heard him, both that it was constitutional and unconstitutional, highly proper and improper, to prolong the charter of

the bank. The honorable gentleman appeared to me in the predicament in which the celebrated orator of Virginia, Patrick Henry, is said to have been once placed. Engaged in a most extensive and lucrative practice of the law, he mistook, in one instance, the side of the cause in which he was retained, and addressed the court and jury in a very masterly and convincing speech, in behalf of his antagonist. His distracted client came up to him, while he was thus employed, and, interrupting him, bitterly exclaimed, "You have undone me! You have ruined me!" "Never mind, give yourself no concern," said the adroit advocate; and turning to the court and jury, continued his argument, by observing, "May it please your honors, and you, gentlemen of the jury, I have been stating to you what I presume my adversary may urge on his side. I will now show you how fallacious his reasonings, and groundless his pretensions, are." The skillful orator proceeded, satisfactorily refuted every argument he had advanced, and gained his cause!—a success with which I trust the exertion of my honorable friend will on this occasion be crowned.

It has been said, by the honorable gentleman from Georgia (Mr. Crawford) that this has been made a party question; although the law incorporating the bank was passed prior to the formation of parties, and when Congress was not biased by party prejudices. (Mr. Crawford explained. He did not mean, that it had been made a party question in the Senate. His allusion was elsewhere.) I did not think it altogether fair, to refer to the discussions in the House of Representatives, as gentlemen belonging to that body have no opportunity of defending themselves here. It is true that this law was not the effect, but it is no less true that it was one of the causes, of the political divisions in this country. And if, during the agitation of the present question, the renewal has, on one side, been opposed on party principles, let me ask if, on the other, it has not been advocated on similar principles. Where is the Macedonian phalanx, the opposition, in Congress? I believe, sir, I shall not incur the charge of presumptuous prophecy, when I predict we shall not pick up from its ranks one single straggler! And if, on this occasion, my worthy friend from Georgia has gone over into the camp of the enemy, is it kind in him to look back upon his former friends, and rebuke them for the fidelity with which they adhere to their old principles?

I shall not stop to examine how far a representative is bound by the instructions of his constituents. That is a question between the giver and receiver of the instructions. But I must be permitted to express my surprise at the pointed difference which has been made between the opinions and instructions of State Legislatures, and the opinions and details of the deputations with which we have been surrounded from Philadelphia. While the resolutions of those Legislatures—known, legitimate, constitutional, and deliberative bodies—have been thrown into the back-ground, and their interference regarded as officious, these delegations from self-created societies, composed of nobody knows whom, have been received by the

committee, with the utmost complaisance. Their communications have been treasured up with the greatest diligence. Never did the Delphic priests collect with more holy care the frantic expressions of the agitated Pythia, or expound them with more solemnity to the astonished Grecians, than has the committee gathered the opinions and testimonies of these deputies, and, through the gentleman from Massachusetts, pompously detailed them to the Senate! Philadelphia has her immediate representative, capable of expressing her wishes, upon the floor of the other House. If it be improper for States to obtrude upon Congress their sentiments, it is much more highly so for the unauthorized deputies of fortuitous congregations.

The first singular feature that attracts attention in this bill, is the new and unconstitutional veto which it establishes. The Constitution has required only, that after bills have passed the House of Representatives and the Senate, they shall be presented to the president, for his approval or rejection; and his determination is to be made known in ten days. But this bill provides, that when all the constitutional sanctions are obtained, and when, according to the usual routine of legislation, it ought to be considered as a law, it is to be submitted to a new branch of the Legislature, consisting of the president and twenty-four directors of the bank of the United States, holding their sessions in Philadelphia; and if they please to approve it, why then it is to become a law! And three months (the term allowed by our law of May last, to one of the great belligerents, for revoking his edicts, after the other shall have repealed his) are granted them, to decide whether an act of Congress shall be the law of the land or not!—an act which is said to be indispensably necessary to our salvation, and without the passage of which, universal distress and bankruptcy are to pervade the country. Remember, sir, the honorable gentleman from Georgia, has contended that this charter is no contract. Does it, then, become the representatives of the nation, to leave the nation at the mercy of a corporation? Ought the impending calamities to be left to the hazard of a contingent remedy?

This vagrant power to erect a bank, after having wandered throughout the whole Constitution in quest of some congenial spot to fasten upon, has been at length located by the gentleman from Georgia on that provision which authorizes Congress to lay and collect taxes, etc. In 1791, the power is referred to one part of the instrument; in 1811, to another. Sometimes it is alleged to be deducible from the power to regulate commerce. Hard pressed here, it disappears, and shows itself under the grant to coin money. The sagacious Secretary of the Treasury, in 1791, pursued the wisest course; he has taken shelter behind general high sounding and imposing terms. He has declared, in the preamble to the act establishing the bank that it will be very conducive to the successful conducting of the national finances; will tend to give facility to the obtaining of loans, and will be productive of considerable advantage to trade and industry in general. No allusion is made to the collection of taxes.

What is the nature of this government? It is emphatically federal, vested with an aggregate of specified powers for general purposes, conceded by existing sovereignties, who have themselves retained what is not so conceded. It is said that there are cases in which it must act on implied powers. This is not controverted, but the implication must be necessary, and obviously flow from the enumerated power with which it is allied. The power to charter companies is not specified in the grant, and I contend is of a nature not transferable by mere implication. It is one of the most exalted attributes of sovereignty. In the exercise of this gigantic power we have seen an East India company created, which has carried dismay, desolation, and death, throughout one of the largest portions of the habitable world—a company which is, in itself, a sovereignty, which has subverted empires and set up new dynasties, and has not only made war, but war against its legitimate sovereign! Under the influence of this power, we have seen arise a South Sea company, and a Mississippi company, that distracted and convulsed all Europe, and menaced a total overthrow of all credit and confidence, and universal bankruptcy. Is it to be imagined that a power so vast would have been left by the wisdom of the Constitution to doubtful inference? It has been alleged that there are many instances, in the Constitution, where powers in their nature incidental, and which would have necessarily been vested along with the principal, are nevertheless expressly enumerated; and the power "to make rules and regulations for the government of the land and naval forces," which it is said is incidental to the power to raise armies and provide a navy, is given as an example. What does this prove? How extremely cautious the convention were to leave as little as possible to implication. In all cases where incidental powers are acted upon, the principal and incidental ought to be congenial with each other, and partake of a common nature. The incidental power ought to be strictly subordinate and limited to the end proposed to be attained by the specified power. In other words, under the name of accomplishing one object which is specified, the power implied ought not to be made to embrace other objects, which are not specified in the Constitution. If, then, you could establish a bank, to collect and distribute the revenue, it ought to be expressly restricted to the purpose of such collection and distribution. It is mockery, worse than usurpation, to establish it for a lawful object, and then to extend it to other objects which are not lawful. In deducing the power to create corporations, such as I have described it, from the power to collect taxes, the relation and condition of principal and incident are prostrated and destroyed. The accessory is exalted above the principal. As well might it be said, that the great luminary of day is an accessory, a satellite, to the humblest star that twinkles forth its feeble light in the firmament of heaven!

Suppose the Constitution had been silent as to an individual department of this government, could you, under the power to lay and collect taxes,

establish a judiciary? I presume not; but if you could derive the power by mere implication, could you vest it with any other authority than to enforce the collection of the revenue? A bank is made for the ostensible purpose of aiding in the collection of the revenue, and while it is engaged in this, the most inferior and subordinate of all its functions, it is made to diffuse itself throughout society, and to influence all the great operations of credit, circulation, and commerce. Like the Virginia justice, you tell the man whose turkey had been stolen, that your books of precedent furnish no form for his case, but that you will grant him a precept to search for a cow, and when looking for that he may possibly find his turkey! You say to this corporation, we can not authorize you to discount, to emit paper, to regulate commerce, etc. No! Our book has no precedents of that kind. But then we can authorize you to collect the revenue, and, while occupied with that, you may do whatever else you please!

What is a corporation, such as the bill contemplates? It is a splendid association of favored individuals, taken from the mass of society, and invested with exemptions and surrounded by immunities and privileges. The honorable gentleman from Massachusetts (Mr. Lloyd) has said, that the original law, establishing the bank, was justly liable to the objection of vesting in that institution an exclusive privilege, the faith of the government being pledged, that no other bank should be authorized during its existence. This objection, he supposes, is obviated by the bill under consideration; but all corporations enjoy exclusive privileges; that is, the corporators have privileges which no others possess; if you create fifty corporations instead of one, you have only fifty privileged bodies instead of one. I contend that the States have the exclusive power to regulate contracts, to declare the capacities and incapacities to contract, and to provide as to the extent of responsibility of debtors to their creditors. If Congress have the power to erect an artificial body, and say it shall be endowed with the attributes of an individual; if you can bestow on this object of your own creation the ability to contract, may you not, in contravention of State rights, confer upon slaves, infants, and *femes covert* the ability to contract? And if you have the power to say that an association of individuals shall be responsible for their debts only in a certain limited degree, what is to prevent an extension of a similar exemption to individuals? Where is the limitation upon this power to set up corporations? You establish one in the heart of a State, the basis of whose capital is money. You may erect others whose capital shall consist of land, slaves, and personal estates, and thus the whole property within the jurisdiction of a State might be absorbed by these political bodies. The existing bank contends that it is beyond the power of a State to tax it, and if this pretension be well founded, it is in the power of Congress, by chartering companies, to dry up all the sources of State revenue. Georgia has undertaken, it is true, to levy a tax on the branch within her jurisdiction,

but this law, now under a course of litigation, is considered as invalid. The United States own a great deal of land in the State of Ohio; can this government, for the purpose of creating an ability to purchase it, charter a company? Aliens are forbidden, I believe, in that State, to hold real estate; could you, in order to multiply purchasers, confer upon them the capacity to hold land, in derogation of the local law? I imagine this will be hardly insisted upon; and yet there exists a more obvious connection between the undoubted power which is possessed by this government, to sell its land, and the means of executing that power by increasing the demand in the market, than there is between this bank and the collection of a tax. This government has the power to levy taxes, to raise armies, provide a navy, make war, regulate commerce, coin money, etc., etc. It would not be difficult to show as intimate a connection between a corporation, established for any purpose whatever, and some one or other of those great powers, as there is between the revenue and the bank of the United States.

Let us inquire into the actual participation of this bank in the collection of the revenue. Prior to the passage of the act of 1800, requiring the collectors of those ports of entry, at which the principal bank, or any of its offices are situated, to deposit with them the custom-house bonds, it had not the smallest agency in the collection of the duties. During almost one moiety of the period to which the existence of this institution was limited, it was nowise instrumental in the collection of that revenue to which it is now become indispensable! The collection, previous to 1800, was made entirely by the collectors; and even at present where there is one port of entry, at which this bank is employed, there are eight or ten at which the collection is made as it was before 1800. And, sir, what does this bank or its branches, where resort is had to it? It does not adjust with the merchant the amount of duty, nor take his bond; nor, if the bond is not paid, coerce the payment by distress or otherwise. In fact, it has no active agency whatever in the collection. Its operation is merely passive; that is, if the obligor, after his bond is placed in the bank, discharges it, all is very well. Such is the mighty aid afforded by this tax-gatherer, without which the government can not get along! Again, it is not pretended that the very limited assistance which this institution does in truth render, extends to any other than a single species of tax, that is, duties. In the collection of the excise, the direct and other internal taxes, no aid was derived from any bank. It is true, in the collection of those taxes, the former did not obtain the same indulgence which the merchant receives in paying duties. But what obliges Congress to give credit at all? Could it not demand prompt payment of the duties? And, in fact, does it not so demand in many instances? Whether credit is given or not is a matter merely of discretion. If it be a facility to mercantile operations (as I presume it is) it ought to be granted. But I deny the right to engraft upon it a bank, which you would not otherwise have

the power to erect. You can not create the necessity of a bank, and then plead that necessity for its establishment. In the administration of the finances, the bank acts simply as a payer and receiver. The Secretary of the Treasury has money in New York, and wants it in Charleston; the bank will furnish him with a check or bill, to make the remittance, which any merchant would do just as well.

I will now proceed to show by fact, actual experience, not theoretic reasoning, but by the records of the treasury themselves, that the operations of that department may be as well conducted without as with this bank. The delusion has consisted in the use of certain high-sounding phrases, dexterously used on the occasion; "the collection of the revenue," "the administration of the finance," "the conducting of the fiscal affairs of the government," the usual language of the advocates of the bank, extort express assent, or awe into acquiescence, without inquiry or examination into its necessity. About the commencement of this year there appears, by the report of the Secretary of the Treasury, of the 7th of January, to have been a little upward of two million and four hundred thousand dollars in the treasury of the United States; and more than one third of this whole sum was in the vaults of local banks. In several instances, where opportunities existed of selecting the bank, a preference has been given to the State bank, or at least a portion of the deposits has been made with it. In New York, for example, there were deposited with the Manhattan bank one hundred and eighty-eight thousand six hundred and seventy dollars, although a branch bank is in that city. In this District, one hundred and fifteen thousand and eighty dollars were deposited with the bank of Columbia, although here also is a branch bank, and yet the State banks are utterly unsafe to be trusted! If the money, after the bonds are collected, is thus placed with these banks, I presume there can be no difficulty in placing the bonds themselves there, if they must be deposited with some bank for collection, which I deny.

Again, one of the most important and complicated branches of the treasury department, is the management of our landed system. The sales have, in some years, amounted to upward of half a million of dollars, and are generally made upon credit, and yet no bank whatever is made use of to facilitate the collection. After it is made, the amount, in some instances, has been deposited with banks, and, according to the Secretary's report, which I have before adverted to, the amount so deposited, was, in January, upward of three hundred thousand dollars, not one cent of which was in the vaults of the bank of the United States, or in any of its branches, but in the bank of Pennsylvania, its branch at Pittsburg, the Marietta bank, and the Kentucky bank. Upon the point of responsibility, I can not subscribe to the opinion of the Secretary of the Treasury, if it is meant that the ability to pay the amount of any deposits which the government may make, under any exigency, is greater than that of the State banks; that the *accountability* of a ramified institution, whose affairs are managed

by a single head, responsible for all its members, is more simple than that of a number of independent and unconnected establishments, I shall not deny; but, with regard to safety, I am strongly inclined to think it is on the side of the local banks. The corruption or misconduct of the parent, or any of its branches, may bankrupt or destroy the whole system, and the loss of the government in that event, will be of the deposits made with each; whereas, in the failure of one State bank, the loss will be confined to the deposit in the vault of that bank. It is said to have been a part of Burr's plan to seize on the branch bank, at New Orleans. At that period large sums, imported from La Vera Cruz, are alleged to have been deposited with it, and if the traitor had accomplished the design, the bank of the United States, if not actually bankrupt, might have been constrained to stop payment.

It is urged by the gentleman from Massachusetts (Mr. Lloyd), that as this nation advances in commerce, wealth, and population, new energies will be unfolded, new wants and exigences will arise, and hence he infers that powers must be implied from the Constitution. But, sir, the question is, shall we stretch the instrument to embrace cases not fairly within its scope, or shall we resort to that remedy, by amendment, which the Constitution prescribes?

Gentlemen contend, that the construction which they give to the Constitution has been acquiesced in by all parties and under all administrations; and they rely particularly on an act which passed in 180- to continue extending a branch to New Orleans; and another act of 1807, for punishing those who should forge or utter forged paper of the bank. With regard to the first law, passed, no doubt, upon the recommendation of the treasury department, I would remark, that it was the extension of a branch to a territory over which Congress possesses the power of legislation almost uncontrolled, and where, without any constitutional impediment, charters of incorporation may be granted. As to the other act, it was passed no less for the benefit of the community than the bank; to protect the ignorant and unwary from counterfeit paper, purporting to have been emitted by the bank. When gentlemen are claiming the advantage supposed to be deducible from acquiescence, let me inquire what they would have had those to do who believed the establishment of a bank an encroachment upon State rights. Were they to have resisted, and how? By force? Upon the change of parties in 1800, it must be well recollected, that the greatest calamities were predicted as a consequence of that event. Intentions were ascribed to the new occupants of power, of violating the public faith, and prostrating national credit. Under such circumstances, that they should act with great circumspection was quite natural. They saw in full operation a bank, chartered by a Congress who had as much right to judge of their constitutional powers as their successors. Had they revoked the law which gave it existence, the institution would, in all probability, have continued to transact business notwithstanding. The judiciary

would have been appealed to, and from the known opinions and predilections of the judges then composing it, they would have pronounced the act of incorporation, as in the nature of a contract, beyond the repealing power of any succeeding Legislature. And, sir, what a scene of confusion would such a state of things have presented: an act of Congress, which was law in the statute-book, and a nullity on the judicial records! was it not the wisest to wait the natural dissolution of the corporation rather than accelerate that event by a repealing law involving so many delicate considerations?

When gentlemen attempt to carry this measure upon the ground of acquiescence or precedent, do they forget that we are not in Westminster Hall? In courts of justice, the utility of uniform decision exacts of the judge a conformity to the adjudication of his predecessor. In the interpretation and administration of the law, this practice is wise and proper, and without it, every thing depending upon the caprice of the judge, we should have no security for our dearest rights. It is far otherwise when applied to the source of legislation. Here no rule exists but the Constitution, and to legislate upon the ground merely that our predecessors thought themselves authorized, under similar circumstances, to legislate, is to sanctify error and perpetuate usurpation. But if we are to be subjected to the trammels of precedent, I claim, on the other hand, the benefit of the wise restrictions under which the intelligent judge cautiously receives them. It hath been an established rule, that to give to a previous adjudication any effect, the mind of the judge who pronounced it must have been awakened to the subject, and it must have been a deliberate opinion formed after full argument. In technical language, it must not have been *sub silentio*. Now the acts of 1804 and 1807, relied upon as pledges for the re-chartering of this company, passed not only without any discussions whatever of the constitutional power of Congress to establish a bank, but, I venture to say, without a single member having had his attention drawn to this question. I had the honor of a seat in the Senate when the latter law passed, probably voted for it, and I declare, with the utmost sincerity, that I never once thought of that point, and I appeal confidently to every honorable member who was then present, to say if that was not his situation.

This doctrine of precedents, applied to the Legislature, appears to me to be fraught with the most mischievous consequences. The great advantage of our system of government over all others, is, that we have a written Constitution defining its limits and prescribing its authorities; and that however for a time faction may convulse the nation, and passion and party prejudice sway its functionaries, the season of reflection will recur when, calmly retracing their deeds, all aberrations from fundamental principle will be corrected. But once substitute practice for principle; the exposition of the Constitution for the text of the Constitution, and in vain shall we look for the instrument in the instrument itself! It will be as diffused and intangible as the pretended Constitution of England; and

must be sought for in the statute-book, in the fugitive journals of Congress, and in the reports of the Secretary of the Treasury! What would be our condition if we were to take the interpretations given to that sacred book, which is, or ought to be, the criterion of our faith, for the book itself? We should find the Holy Bible buried beneath the interpretations, glosses, and comments of council, synods, and learned divines, which have produced swarms of intolerant and furious sects, partaking less of the mildness and meekness of their origin than of a vindictive spirit of hostility toward each other! They ought to afford us a solemn warning to make that Constitution, which we have sworn to support, our invariable guide.

I conceive, then, sir, that we were not empowered by the Constitution, nor bound by any practice under it, to renew the charter of this bank, and I might here rest the argument. But as there are strong objections to the renewal on the score of expediency, and as the distresses which will attend the dissolution of the bank have been greatly exaggerated, I will ask for your indulgence for a few moments longer. That some temporary inconvenience will arise, I shall not deny; but most groundlessly have the recent failures in New York been attributed to the discontinuance of this bank. As well might you ascribe to that cause the failures of Amsterdam and Hamburg, of London and Liverpool. The embarrassments of commerce, the sequestrations in France, the Danish captures; in fine, the belligerent edicts, are the obvious sources of these failures. Their immediate cause is the return of bills upon London, drawn upon the faith of unproductive or unprofitable shipments. Yes, sir, the protest of the notaries of London, not those of New York, have occasioned these bank ruptcies.

The power of a nation is said to consist in the sword and the purse. Perhaps, at last, all power is resolvable into that of the purse, for with it you may command almost every thing else. The specie circulation of the United States is estimated by some calculators at ten millions of dollars, and if it be no more, one moiety is in the vaults of this bank. May not the time arrive when the concentration of such a vast portion of the circulating medium of the country, in the hands of any corporation, will be dangerous to our liberties? By whom is this immense power wielded? By a body that, in derogation of the great principle of all our institutions, responsibility to the people, is amenable only to a few stockholders, and they chiefly foreigners. Suppose an attempt to subvert this government; would not the traitor first aim, by force or corruption, to acquire the treasure of this company? Look at it in another aspect. Seven tenths of its capital are in the hands of foreigners, and these foreigners chiefly English subjects. We are possibly on the eve of a rupture with that nation. Should such an event occur, do you apprehend that the English premier would experience any difficulty in obtaining the entire control of this institution? Republics, above all other governments, ought most seriously

to guard against foreign influence. All history proves that the internal dissensions excited by foreign intrigue have produced the downfall of almost every free government that has hitherto existed; and yet gentlemen contend that we are benefited by the possession of this foreign capital! If we could have its use, without its attending abuse, I should be gratified also. But it is vain to expect the one without the other. Wealth is power, and, under whatsoever form it exists, its proprietor, whether he lives on this or the other side of the Atlantic, will have a proportionate influence. It is argued that our possession of this English capital gives us a great influence over the British government. If this reasoning be sound, we had better revoke the interdiction as to aliens holding land, and invite foreigners to engross the whole property, real and personal, of the country. We had better at once exchange the condition of independent proprietors for that of stewards. We should then be able to govern foreign nations, according to the reasoning of the gentlemen on the other side. But let us put aside this theory and appeal to the decisions of experience. Go to the other side of the Atlantic and see what has been achieved for us there, by Englishmen holding seven tenths of the capital of this bank. Has it released from galling and ignominious bondage one solitary American seaman, bleeding under British oppression? Did it prevent the unmanly attack upon the *Chesapeake*? Did it arrest the promulgation, or has it abrogated the orders in council—those orders which have given birth to a new era in commerce? In spite of all its boasted effect, are not the two nations brought to the very brink of war? Are we quite sure that, on this side of the water, it has had no effect favorable to British interests? It has often been stated, and although I do not know that it is susceptible of strict proof, I believe it to be a fact, that this bank exercised its influence in support of Jay's treaty; and may it not have contributed to blunt the public sentiment, or paralyze the efforts of this nation against British aggression?

The Duke of Northumberland is said to be the most considerable stockholder in the bank of the United States. A late lord chancellor of England, besides other noblemen, was a large stockholder. Suppose the Prince of Essling, the Duke of Cadore, and other French dignitaries, owned seven eighths of the capital of this bank, should we witness the same exertions (I allude not to any made in the Senate) to re-charter it? So far from it, would not the danger of French influence be resounded throughout the nation?

I shall therefore, give my most hearty assent to the motion for striking out the first section of the bill.

ON THE INCREASE OF MILITARY FORCE.

IN THE HOUSE OF REPRESENTATIVES, DECEMBER 31, 1811.

[We now find Mr. Clay in the House of Representatives, of which he was chosen Speaker by the first ballot; and we find the country on the eve of a war with Great Britain, looking to Mr. Clay as the leader of the war party. Great as were the provocations to war, and inevitable as war seemed to be, there was, nevertheless, a strong and talented party against it, composed, chiefly of those designated by the name of Federalists. From the administration of John Adams down to this time, there was eminent talent in this party, and that must have been a strong administration which could stand up against such a powerful opposition, and stir up the nation to war. But the wrongs of Great Britain had roused the spirit of the American people. Mr. Clay, as will be seen, was, at this time, the popular leader of the Democratic party. He was never any other than a Democrat, from the beginning to the end of his career, though he became the head of a party which bore the name of Whig. It belongs to history to show that this party were the only true Democrats of the country. Mr. Clay never changed. His political birth was in the Jeffersonian family, and he died a Jeffersonian Democrat. In the following speech we find him enacting the part of the gallant chieftain of the Democratic ranks. The Jackson Democracy was mongrel, and like all broods of this category of races, it was doomed to degenerate, as it has done, till the last drop of Democratic blood has disappeared.

But here, in this speech of Mr. Clay, in which he began to rouse the nation to arms against Great Britain, we behold the unadulterated Democrat of the Madisonian era. By the advice of his political friends, Mr. Clay had left the Senate and gone into the House of Representatives, because he was wanted as leader in the popular branch of the government, and the first speech we have on record from him in that place, is that which

follows. We need not say, for it will speak for itself, that it is manly, bold, and defiant, in presence of the British lion, which had roared and shaken his mane to intimidate the American people. It was in circumstances like these that Mr. Clay, in Committee of the Whole, opened this great and momentous debate, in support of a bill to augment the military force of the nation in preparation for war. Mr. Clay was now placed in the position which, of all men in the country, he was best qualified to fill; and every body, the whole nation, felt that that was his place. On the eve of a war with the greatest maritime power in the world, the nation wanted a leader of recognized talent, of skill in affairs of state, of boldness and of prudence, of decision and of energy, and of lion-like courage—and Mr. Clay was that man.]

Mr. Clay (in Committee of the Whole*) said, that when the subject of this bill was before the House in the abstract form of a resolution, proposed by the committee of foreign relations, it was the pleasure of the House to discuss it while he was in the chair. He did not complain of this course of proceeding, for he did not at any time wish the House, from considerations personal to him, to depart from that mode of transacting the public business which they thought best. He merely adverted to the circumstance as an apology for the trouble he was about to give the committee. He was at all times disposed to take his share of the responsibility, and, under this impression, he felt that he owed it to his constituents and to himself, before the committee rose, to submit to their attention a few observations.

He saw with regret a diversity of opinion among those who had the happiness generally to act together, in relation to the quantum of force proposed to be raised. For his part, he thought it was too great for peace, and he feared too small for war. He had been in favor of the number recommended by the Senate, and he would ask gentlemen, who had preferred fifteen thousand, to take a candid and dispassionate view of the subject. It was admitted, on all hands, that it was a force to be raised for the purposes of war, and to be kept up and used only in the event of war. It was further conceded, that its principal destination would be the provinces of our enemy. By the bill which had been passed, to complete the peace establishment, we had authorized the collection of a force of about six thousand men, exclusive of those now in service, which, with the twenty-five thousand provided for by this bill, will give an aggregate of new

* We are not aware of any parliamentary rule that the Speaker of the House should not vacate the chair, by putting another member in it when he wishes to make a speech; but custom seems to have conceded that the Speaker should avail himself of the Committee of the Whole for his own remarks.

troops of thirty-one thousand men. Experience in military affairs has shown that, when any given number of men is authorized to be raised, you must, in counting upon the effective men which it will produce, deduct one fourth or one third for desertion, sickness, and other incidents to which raw troops are peculiarly exposed. In measures relating to war, it is wisest, if you err at all, to err on the side of the largest force, and you will consequently put down your thirty-one thousand men at no more than an effective force, in the field, of about twenty-one thousand. This, with the four thousand now in service, will amount to twenty-five thousand effective men. The Secretary of War has stated in his report that, for the single purpose of manning your forts and garrisons on the sea-board, twelve thousand and six hundred men are necessary. Although the whole of that number will not be taken from the twenty-five thousand, a portion of it, probably, will be. We are told that, in Canada, there are between seven and eight thousand regular troops. If it is invaded the whole of that force will be concentrated in Quebec, and would you attempt that almost impregnable fortress with less than double the force of the besieged? Gentlemen who calculate upon volunteers as a substitute for regulars ought not to deceive themselves. No man appreciated higher than he did the spirit of the country. But, although volunteers were admirably adapted to the first operations of the war, to the making of a first impression, he doubted their fitness for a regular siege, or for the manning and garrisoning of forts. He understood it was a rule in military affairs, never to leave in the rear a place of any strength undefended. Canada is invaded; the upper part falls, and you proceed to Quebec. It is true there would be no European army behind to be apprehended: but the people of the country might rise; and he warned gentlemen who imagined that the affections of the Canadians were with us against trusting too confidently on such a calculation, the basis of which was treason. He concluded, therefore, that a portion of the invading army would be distributed in the upper country, after its conquest, among the places susceptible of military strength and defense. The army, considerably reduced, sets itself down before Quebec. Suppose it falls. Here again will be required a number of men to hold and defend it. And if the war be prosecuted still further, and the lower country and Halifax be assailed, he conceived it obvious, that the whole force of twenty-five thousand men would not be too great.

The difference between those who were for fifteen thousand, and those who were for twenty-five thousand men, appeared to him to resolve itself into the question, merely, of a short or protracted war; a war of vigor, or a war of languor and imbecility. If a competent force be raised in the first instance, the war on the continent will be speedily terminated. He was aware that it might still rage on the ocean. But where the nation could act with unquestionable success, he was in favor of the display of an energy correspondent to the feelings and spirit of the country. Suppose one third of the force he had mentioned (twenty-five thousand men) could

reduce the country, say in three years, and that the whole could accomplish the same object in one year; taking into view the great hazard of the repulsion and defeat of the small force, and every other consideration, do not wisdom and true economy equally decide in favor of the larger force, and thus prevent failure in consequence of inadequate means? He begged gentlemen to recollect the immense extent of the United States; our vast maritime frontier, vulnerable in almost all its parts to predatory incursions, and he was persuaded they would see that a regular force of twenty-five thousand men was not much too great during a period of war, if all designs of invading the provinces of the enemy were abandoned.

Mr. Clay proceeded next to examine the nature of the force contemplated by the bill. It was a regular army, enlisted for a limited time, raised for the sole purpose of war, and to be disbanded on the return of peace. Against this army all our republican jealousies and apprehensions are attempted to be excited. He was not the advocate of standing armies; but the standing armies which excite most his fears, are those which are kept up in time of peace. He confessed, he did not perceive any real source of danger in a military force of twenty-five thousand men in the United States, provided only for a state of war, even supposing it to be corrupted, and its arms turned, by the ambition of its leaders, against the freedom of the country. He saw abundant security against the success of any such treasonable attempt. The diffusion of political information among the great body of the people constituted a powerful safeguard. The American character has been much abused by the Europeans, whose tourists, whether on horse on foot, in verse and prose, have united in depreciating it. It is true that we do not exhibit as many signal instances of scientific acquirement in this country as are furnished in the old world; but he believed it undeniable, that the great mass of the people possessed more intelligence than any other people on the globe. Such a people, consisting of upward of seven millions, affording a physical power of about a million of men capable of bearing arms, and ardently devoted to liberty, could not be subdued by an army of twenty-five thousand men. The wide extent of country over which we are spread was another security. In other countries, France and England for example, the fall of Paris or London is the fall of the nation. Here are no such dangerous aggregations of people. New York, and Philadelphia, and Boston, and every city on the Atlantic might be subdued by a usurper, and he would have made but a small advance in the accomplishment of his purpose. He would add a still more improbable supposition, that the country east of the Allegany, was to submit to the ambition of some daring chief, and he insisted that the liberty of the Union would be still unconquered. It would find successful support from the West. We are not only in the situation just described, but a great portion of the militia—nearly the whole, he understood, of that of Massachusetts—have arms in their hands; and he trusted in God that that great object would be persevered in, until every man in the

nation could proudly shoulder the musket which was to defend his country and himself. A people having, besides the benefit of one general government, other local governments in full operation, capable of exerting and commanding great portions of the physical power, all of which must be prostrated before our Constitution is subverted. Such a people have nothing to fear from a petty contemptible force of twenty-five thousand regulars.

Mr. Clay proceeded, more particularly, to inquire into the object of the force. That object he understood distinctly to be war, and war with Great Britain. It had been supposed, by some gentlemen, improper to discuss publicly so delicate a question. He did not feel the impropriety. It was a subject in its nature incapable of concealment. ~~Even in countries~~ where the powers of government were conducted by a single ruler, it was almost imposible for that ruler to conceal his intentions when he meditated war. The assembling of armies, the strenthenings of posts; all the movements preparatory to war, and which it is impossible to disguise, unfolded the intentions of the sovereign. ~~Does Russia or France~~ intend war, the intention is almost invariably known before the war is commenced. If Congress were to pass a law, with closed doors, for raising an army for the purpose of war, its enlistment and organization, which could not be done in secret, would indicate the use to which it was to be applied; and we can not suppose England would be so blind as not to see that she was aimed at. Nor could she, did she apprehend, injure us more by thus knowing our purposes, than if she were kept in ignorance of them. She may, indeed, anticipate us, and commence the war. But that is what she is in fact doing, and she can add but little to the injury which she is inflicting. If she choose to declare war in form, let her do so, the responsibility will be with her.

What are we to gain by war? has been emphatically asked. In reply, he would ask, what are we not to lose by peace? Commerce, character, a nation's best treasure, honor! If pecuniary considerations alone are to govern, there is sufficient motive for the war. Our revenue is reduced, by the operation of the belligerent edicts, to about six millions of dollars, according to the Secretary of the Treasury's report. The year preceding the embargo it was sixteen. Take away the orders in council, it will again mount up to sixteen millions. By continuing, therefore, in peace (if the mongrel state in which we are deserve that denomination), we lose annually in revenue alone ten millions of dollars. Gentlemen will say, repeal the law of non-importation. He contended, that, if the United States were capable of that perfidy, the revenue would not be restored to its former state, the orders in council continuing. Without an export trade, which those orders prevent, inevitable ruin would ensue, if we imported as freely as we did prior to the embargo. A nation that carries on an import trade, without an export trade to support it, must, in the end, be as certainly bankrupt, as the individual, would be, who incurred an annual expenditure without an income.

He had no disposition to magnify or dwell upon the catalogue of injuries we had received from England. He could not, however, overlook the impressment of our seamen—an aggression upon which he never reflected without feelings of indignation, which would not allow him appropriate language to describe its enormity. Not content with seizing upon all our property which falls within her rapacious grasp, the personal rights of our countrymen—rights which forever ought to be sacred—are trampled upon and violated. The orders in council were pretended to have been reluctantly adopted, as a measure of retaliation. The French decrees, their alleged basis, are revoked. England resorts to the expedient of denying the fact of the revocation, and Sir William Scott, in the celebrated case of Fox and others, suspends judgment that proof may be adduced to it. At the same moment, when the British ministry, through that judge, is thus affecting to controvert that fact, and to place the release of our property upon its establishment, instructions are prepared for Mr. Foster, to meet at Washington the very revocation which they were contesting. And how does he meet it? By fulfilling the engagement solemnly made to rescind the orders? No, sir; but demanding that we shall secure the introduction, into the continent, of British manufactures!

England is said to be fighting for the world, and shall we, it is asked, attempt to weaken her exertions? If, indeed, the aim of the French emperor be universal dominion (and he was willing to allow it to the argument), how much nobler a cause is presented to British valor! But how is her philanthropic purpose to be achieved? By a scrupulous observance of the rights of others, by respecting that code of public law which she professes to vindicate, and by abstaining from self-aggrandizement. Then would she command the sympathies of the world. What are we required to do by those who would engage our feelings and wishes in her behalf? To bear the actual cuffs of her arrogance, that we may escape a chimerical French subjugation! We are invited, conjured to drink the potion of British poison, actually presented to our lips, that we may avoid the imperial dose prepared by perturbed imaginations. We are called upon to submit to debasement, dishonor, and disgrace; to bow the neck to royal insolence, as a course of preparation for manly resistance to Gallic invasion! What nation, what individual, was ever taught, in the schools of ignominious submission, these patriotic lessons of freedom and independence? Let those who contend for this humiliating doctrine, read its refutation in the history of the very man against whose insatiable thirst of dominion we are warned. The experience of desolated Spain for the last fifteen years, is worth volumes. Did she find her repose and safety in subserviency to the will of that man? Had she boldly stood forth and repelled the first attempt to dictate to her councils, her monarch would not be now a miserable captive in Marseilles. Let us come home to our own history; it was not by submission that our fathers achieved our independence. The patriotic wisdom that placed you, Mr. Chairman, under

that canopy, penetrated the designs of a corrupt ministry, and nobly fronted encroachment on its first appearance. It saw, beyond the petty taxes with which it commenced, a long train of oppressive measures, terminating in the total annihilation of liberty, and, contemptible as they were, it did not hesitate to resist them. Take the experience of the last four or five years, which he was sorry to say exhibited, in appearance, at least, a different kind of spirit. He did not wish to view the past, further than to guide us for the future. We were but yesterday contending for the indirect trade; the right to export to Europe the coffee and sugar of the West Indies. To-day we are asserting our claim to the direct trade; the right to export our cotton, tobacco, and other domestic produce, to market. Yield this point, and to-morrow intercourse between New York and New Orleans, between the planters on James river and Richmond, will be interdicted. For, sir, the career of encroachment is never arrested by submission. It will advance while there remains a single privilege on which it can operate. Gentlemen say that this government is unfit for any war but a war of invasion. What, is it not equivalent to invasion, if the mouths of our harbors and outlets are blocked up, and we are denied egress from our own waters? Or, when the burglar is at our door, shall we bravely sally forth and repel his felonious entrance, or meanly skulk within the cells of the castle?

He contended, that the real cause of British aggression was, not to distress an enemy, but to destroy a rival. A comparative view of our commerce with that of England and the continent, would satisfy any one of the truth of this remark. Prior to the embargo, the balance of trade between this country and England was between eleven and fifteen millions of dollars in favor of England. Our consumption of her manufactures was annually increasing, and had risen to nearly fifty millions of dollars. We exported to her what she most wanted, provisions and raw materials for her manufactures, and received in return what she was most desirous to sell. Our exports to France, Holland, Spain, and Italy, taking an average of the years 1802, 1803, and 1804, amounted to about twelve million dollars of domestic, and about eighteen million dollars of foreign produce. Our imports from the same countries amounted to about twenty-five million dollars. The foreign produce exported, consisted chiefly of luxuries, from the West Indies. It is apparent that this trade, the balance of which was in favor, not of France, but of the United States, was not of very vital consequence to the enemy of England. Would she, therefore, for the sole purpose of depriving her adversary of this commerce, relinquish her valuable trade with this country, exhibiting the essential balance in her favor; nay, more, hazard the peace of the country? No, sir; you must look for an explanation of her conduct in the jealousies of a rival. She sickens at your prosperity, and beholds, in your growth—your sails spread on every ocean, and your numerous seamen—the foundations of a power which, at no very distant day, is to make her tremble for her naval supe-

riority. He had omitted before to notice the loss of our seamen, if we continued in our present situation. What would become of the one hundred thousand (for he understood there was about that number) in the American service? Would they not leave us and seek employment abroad, perhaps in the very country that injures us?

It is said, that the effect of the war at home, will be a change of those who administer the government, who will be replaced by others that will make a disgraceful peace. He did not believe it. Not a man in the nation could really doubt the sincerity with which those in power have sought, by all honorable and pacific means, to protect the interests of the country. When the people saw exercised toward both belligerents the utmost impartiality; witnessed the same equal terms tendered to both; and beheld the government successively embracing an accommodation with each, in exactly the same spirit of amity, he was fully persuaded, now that war was the only alternative left to us, by the injustice of one of the powers, that the support and confidence of the people would remain undiminished. He was one, however, who was prepared (and he would not believe that he was more so than any other member of the committee) to march on in the road of his duty, at all hazards. What! shall it be said, that our *amor patriæ* is located at these desks; that we pusillanimously cling to our seats here, rather than boldly vindicate the most inestimable rights of the country? While the heroic Daviess, and his gallant associates, exposed to all the dangers of treacherous savage warfare, are sacrificing themselves for the good of their country, shall we shrink from our duty?

He concluded, by hoping that his remarks had tended to prove that the quantum of the force required was not too great, that in its nature it was free from the objections urged against it, and that the object of its application was one imperiously called for by the present peculiar crisis.

ON THE INCREASE OF THE NAVY.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 22, 1812.

[MR. JEFFERSON'S gun-boat system was a fair subject of ridicule, and it was laughed out of existence. Nevertheless, this species of economy ran on for many years, and our navy was at a low ebb at the accession of Mr. Madison to the presidential chair. The United States were about to engage in war with a nation that floated the most formidable navy in the world, without any marine craft that would dare to leave our harbors and look the enemy in the face. The whole line of our seaboard, and our cities planted here and there upon it, would be exposed to the descent of British naval armaments. And yet, a proposal to build ten frigates was resisted by those in Congress who still adhered to the Jeffersonian policy. Mr. Clay, who a month previously had so eloquently advocated the augmentation of the military force, and carried the measure, was now called upon to deliver one of his broadsides in behalf of the navy. Ten frigates to be put upon the stocks at once, and launched and armed with the greatest possible expedition, was an unheard-of bound of public policy. It was a daring and startling measure, and no man but Mr. Clay could overcome the difficulties which it had to encounter. We are not to judge of these difficulties by the facility of voting appropriations for the navy, since the navy has become the pride of the nation, and that, too, in consequence of the brilliant achievements of those very ships which were built in 1812. Mr. Clay saw, by his intuitive perceptions, what was necessary; but it was no easy task to make Congress see as he saw it. It was necessary that he should so transfer his own views to the mind of that body, that they should produce conviction there, and be immediately carried into action. Such was the task, and such the triumphant result. The frigates were built, and the history of the war of 1812 will show what they achieved. From that time the navy became and has remained, without any abatement, but with a constant increase of affection,

the pet arm of the public service. No nation in the world is so well served by an equal number of ships of the same class ; and such is the fame of our navy, that no nation would dare to encounter it, with an equal force, ship for ship, and of the same rate.

If we look for the causes of effects, we may, perhaps, find, in the following speech, the cause of this glory of our navy. True, Mr. Clay had his coadjutors ; but the dominant party then in Congress, were dead against this project when it was first proposed. They were startled by it as extravagant. But Mr. Clay was the recognized leader of that party, and they did not dare to vote against him. Probably they followed their own personal convictions, after they had heard him. This speech, therefore, may be regarded as occupying a momentously important place in the history of the country, and it should be read with profound interest on that account.]

Mr. Clay (in Committee of the Whole), rose to present his views on the bill before the committee. He said, as he did not precisely agree in opinion with any gentleman who had spoken, he should take the liberty of detaining the committee a few moments, while he offered to their attention some observations. He was highly gratified with the temper and ability with which the discussion had hitherto been conducted. It was honorable to the House, and, he trusted, would continue to be manifested on many future occasions.

On this interesting topic a diversity of opinion has existed almost ever since the adoption of the present government. On the one hand, there appeared to him to have been attempts made to precipitate the nation into all the evils of naval extravagance, which had been productive of so much mischief in other countries ; and, on the other, strongly feeling this mischief, there has existed an unreasonable prejudice against providing such a competent naval protection, for our commercial and maritime rights, as is demanded by their importance, and as the increased resources of the country amply justify.

The attention of Congress has been invited to this subject by the president, in his message delivered at the opening of the session. Indeed, had it been wholly neglected by the chief magistrate, from the critical situation of the country, and the nature of the rights proposed to be vindicated, it must have pressed itself upon our attention. But, said Mr. Clay, the president, in his message, observes: "your attention will, of course, be drawn to such provisions on the subject of our naval force as may be required for the service to which it is best adapted. I submit to Congress the seasonableness also of an authority to augment the stock of such materials as are imperishable in their nature, or may not at once be

attainable." The president, by this recommendation, clearly intimates an opinion that the naval force of this country is capable of producing effect; and the propriety of laying up imperishable materials was, no doubt, suggested for the purpose of making additions to the navy as convenience and exigences might direct.

It appeared to Mr. Clay a little extraordinary that so much, as it seemed to him, unreasonable jealousy should exist against the naval establishment. If, said he, we look back to the period of the formation of the Constitution, it will be found that no such jealousy was then excited. In placing the physical force of the nation at the disposal of Congress, the Convention manifested much greater apprehension of abuse in the power given to raise armies than in that to provide a navy. In reference to the navy Congress is put under no restrictions; but with respect to the army, that description of force which has been so often employed to subvert the liberties of mankind, they are subjected to limitations designed to prevent the abuse of this dangerous power. But it was not his intention to detain the committee by a discussion on the comparative utility and safety of these two kinds of force. He would, however, be indulged in saying that he thought gentlemen had wholly failed in maintaining the position they had assumed, that the fall of maritime powers was attributable to their navies. They have told you, indeed, that Carthage, Genoa, Venice, and other nations had navies, and, notwithstanding, were finally destroyed. But have they shown, by a train of argument, that their overthrow was, in any degree, attributable to their maritime greatness? Have they attempted even to show that there exists in the nature of this power a necessary tendency to destroy the nation using it? Assertion is substituted for argument; inferences not authorized by historical facts are arbitrarily drawn; things wholly unconnected with each other are associated together; a very logical mode of reasoning it must be admitted! In the same way he could demonstrate how idle and absurd our attachments are to freedom itself. He might say, for example, that Greece and Rome had forms of free government, and that they no longer exist; and, deducing their fall from their devotion to liberty, the conclusion in favor of despotism would very satisfactorily follow! He demanded what there is in the nature and construction of maritime power to excite the fears that have been indulged? Do gentlemen really apprehend that a body of seamen will abandon their proper element, and, placing themselves under an aspiring chief, will erect a throne to his ambition? Will they deign to listen to the voice of history, and learn how chimerical are their apprehensions?

But the source of alarm is in ourselves. Gentlemen fear that if we provide a marine it will produce collisions with foreign nations; plunge us into war, and ultimately overturn the Constitution of the country. Sir, if you wish to avoid foreign collision you had better abandon the ocean surrender all your commerce; give up all your prosperity. It is the thing protected, not the instrument of protection that involves you in war.

Commerce engenders collision, collision war, and war, the argument supposes, leads to despotism. Would the counsels of that statesman be deemed wise who would recommend that the nation should be unarmed; that the art of war, the martial spirit, and martial exercises should be prohibited; who should declare in the language of Othello, that the nation must bid farewell to the neighing steed, and the shrill trump, the spirit-stirring drum, the ear-piercing fife, and all the pride, pomp, and circumstance of glorious war; and that the great body of the people should be taught that national happiness was to be found in perpetual peace alone? No, sir. And yet every argument in favor of a power of protection on land applies, in some degree, to a power of protection on the sea. Undoubtedly a commerce void of naval protection is more exposed to rapacity than a guarded commerce; and if we wish to invite the continuance of the old, or the enactment of the new edicts, let us refrain from all exertion upon that element where they must operate, and where, in the end, they must be resisted.

For his part (Mr. Clay said) he did not allow himself to be alarmed by those apprehensions of maritime power which appeared to agitate other gentlemen. In the nature of our government he beheld abundant security against abuse. He would be unwilling to tax the land to support the rights of the sea, and was for drawing from the sea itself the resources with which its violated freedom should, at all times, be vindicated. While this principle is adhered to there will be no danger of running into the folly and extravagance which so much alarms gentlemen; and whenever it is abandoned—whenever Congress shall lay burdensome taxes to augment the navy beyond what may be authorized by the increased wealth, and demanded by the exigences of the country, the people will interpose, and, removing their unworthy representatives, apply the appropriate corrective. Mr. Clay, then, could not see any just ground of dread in the nature of naval power. It was, on the contrary, free from the evils attendant upon standing armies. And the genius of our institutions—the great representative principle, in the practical enjoyment of which we are so eminently distinguished—afforded the best guaranty against the ambition and wasteful extravagance of government. What maritime strength is it expedient to provide for the United States? In considering this subject three different degrees of naval power present themselves. In the first place, such a force as would be capable of contending with that which any other nation is able to bring on the ocean—a force that, boldly scouring every sea, would challenge to combat the fleets of other powers, however great. He admitted that it was impossible at this time, perhaps it never would be desirable, for this country to establish so extensive a navy. Indeed, he should consider it as madness in the extreme in this government to attempt to provide a navy able to cope with the fleets of Great Britain, wherever they might be met.

The next species of naval power to which he would advert, is that which,

without adventuring into distant seas, and keeping generally in our own harbors, and on our coasts, would be competent to beat off any squadron which might be attempted to be permanently stationed in our waters. His friends from South Carolina (Messrs. Cheves and Lowndes) had satisfactorily shown, that, to effect this object, a force equivalent only to one third of that which the maintenance of such a squadron must require, would be sufficient; that if, for example, England should determine to station permanently upon our coast a squadron of twelve ships of the line, it would require for this service thirty-six ships of the line; one third in port, repairing, one third on the passage, and one third on the station. But that is a force which it has been shown that even England, with her boasted navy, could not spare for the American service, while she is engaged in the present contest. Mr. Clay said that he was desirous of seeing such a force as he had described; that is, twelve ships of the line and fifteen or twenty frigates, provided for the United States; but he admitted that it was unattainable in the present situation of the finances of the country. He contended, however, that it was such as Congress ought to set about providing; and he hoped, in less than ten years, to see it actually established. He was far from surveying the vast maritime power of Great Britain with the desponding eye with which other gentlemen beheld it. He could not allow himself to be discouraged at a prospect of even her thousand ships. This country only required resolution, and a proper exertion of its immense resources, to command respect, and to vindicate every essential right. When we consider our remoteness from Europe, the expense, difficulty, and perils, to which any squadron would be exposed, while stationed off our coasts, he entertained no doubt that the force to which he referred, would insure the command of our own seas. Such a force would avail itself of our extensive sea-board and numerous harbors, everywhere affording asylums to which it could safely retire from a superior fleet, or from which it could issue, for the purpose of annoyance. To the opinion of his colleague (Mr. McKee) who appeared to think that it was in vain for us to make any struggle on the ocean, he would oppose the sentiments of his distinguished connection, the heroic Daviess, who fell in the battle of Tippecanoe.

The third description of force, worthy of consideration, is, that which would be able to prevent any single vessel, of whatever metal, from endangering our whole coasting trade, blocking up our harbors, and laying under contribution our cities—a force competent to punish the insolence of the commander of any single ship, and to preserve in our own jurisdiction the inviolability of our peace and our laws. A force of this kind is entirely within the compass of our means, at this time. Is there a reflecting man in the nation, who would not charge Congress with a culpable neglect of its duty, if, for the want of such a force, a single ship were to bombard one of our cities? Would not every honorable member of the committee inflict on himself the bitterest reproaches, if, by failing to make

an inconsiderable addition to our little gallant navy, a single British vessel should place New York under contribution? Yes, sir, when the city is in flames, its wretched inhabitants begin to repent of their neglect, in not providing engines and water-buckets. If, said Mr. Clay, we are not able to meet the wolves of the forest, shall we put up with the barking impudence of every petty cur that trips across our way? Because we can not guard against every possible danger, shall we provide against none? He hoped not. He had hardly expected that the instructing but humiliating lesson was so soon to be forgotten, which was taught us in the murder of Pierce, the attack on the Chesapeake, and the insult offered in the very harbor of Charleston, which the brave old fellow who commanded the fort in vain endeavored to chastise. It was a rule with Mr. Clay, when acting either in a public or private character, to attempt nothing more than what there existed a prospect of accomplishing. He was therefore not in favor of entering into any mad projects on this subject, but for deliberately and resolutely pursuing what he believed to be within the power of government. Gentlemen refer to the period of 1798, and we are reminded of the principles maintained by the opposition at that time. He had no doubt of the correctness of that opposition. The naval schemes of that day were premature, not warranted by the resources of the country, and were contemplated for an unnecessary war, into which the nation was about to be plunged. He always admired and approved the zeal and ability with which that opposition was conducted, by the distinguished gentleman now at the head of the treasury. But the state of things is totally altered. What was folly in 1798, may be wisdom now. At that time, we had a revenue only of about six millions. Our revenue now, upon a supposition that commerce is restored, is about sixteen millions. The population of the country, too, is greatly increased, nearly doubled, and the wealth of the nation is perhaps tripled. While our ability to construct a navy is thus enhanced, the necessary maritime protection is proportionably augmented. Independent of the extension of our commerce, since the year 1798, we have had an addition of more than five hundred miles to our coast, from the bay of Perdido to the mouth of the Sabine—a weak and defenseless accession, requiring, more than any other part of our maritime frontier, the protecting arm of government.

The groundless imputation, that those who were friendly to a navy, were espousing a principle inimical to freedom, should not terrify him. He was not ashamed when in such company as the illustrious author of the Notes on Virginia, whose opinion on the subject of a navy, contained in that work, contributed to the formation of his own. But the principle of a navy, Mr. Clay contended, was no longer open to controversy. It was decided when Mr. Jefferson came into power. With all the prejudices against a navy, which are alleged by some to have been then brought into the administration, with many honest prejudices, he admitted, the rash attempt was not made to destroy the establishment. It was reduced to

only what was supposed to be within the financial capacity of the country. If, ten years ago, when all those prejudices were to be combatted, even in time of peace, it was deemed proper, by the then administration, to retain in service ten frigates, he put it to the candor of gentlemen to say, if now, when we are on the eve of a war, and taking into view the actual growth of the country, and the acquisition of our coast on the Gulf of Mexico, we ought not to add to the establishment.

Mr. Clay said, he had hitherto alluded more particularly to the exposed situation of certain parts of the Atlantic frontier. While he felt the deepest solicitude for the safety of New York, and other cities on the coast, he would be pardoned by the committee, for referring to the interests of that section of the Union from which he came. If, said he, there be a point more than any other in the United States, demanding the aid of naval protection, that point is the mouth of the Mississippi. What is the population of the western country, dependent on this single outlet for its surplus productions? Kentucky, according to the last enumeration, has four hundred and six thousand five hundred and eleven; Tennessee, two hundred and sixty-one thousand seven hundred and twenty-seven; and Ohio, two hundred and thirty thousand seven hundred and sixty. And when the population of the western parts of Virginia, and Pennsylvania, and the territories which are drained by the Mississippi or its waters, is added, it will form an aggregate equal to about one fifth of the whole population of the United States, resting all their commercial hopes upon this solitary vent. The bulky articles of which their surplus productions consist, can be transported in no other way. They will not bear the expense of a carriage up the Ohio and Tennessee, and across the mountains, and the circuitous voyage of the lakes is out of the question. While most other States have the option of numerous outlets, so that, if one be closed, resort can be had to others, this vast population has no alternative. Close the mouth of the Mississippi, and their export trade is annihilated. He called the attention of his western friends, especially his worthy Kentucky friends (from whom he felt himself, with regret, constrained to differ on this occasion), to the state of the public feeling in that quarter, while the navigation of the Mississippi was withheld by Spain; and to the still more recent period, when the right of dépôt was violated. The whole country was in commotion, and, at the nod of government, would have fallen on Baton Rouge and New Orleans, and punished the treachery of a perfidious government. Abandon all idea of protecting, by maritime force, the mouth of the Mississippi, and we shall have the recurrence of many similar scenes. We shall hold the inestimable right of the navigation of that river, by the most precarious tenure. The whole commerce of the Mississippi—a commerce that is destined to be the richest that was ever borne by a single stream—is placed at the mercy of a single ship, lying off the Balize! Again; the convulsions of the new world, still more, perhaps, than those of Europe, challenge our attention. Whether the ancient

dynasty of Spain is still to be upheld or subverted, is extremely uncertain, if the bonds connecting the parent-country with her colonies, are not for ever broken. What is to become of Cuba? Will it assert independence, or remain the province of some European power? In either case, the whole trade of the western country, which must pass almost within gunshot of the Moro Castle, is exposed to danger. It was not, however, of Cuba he was afraid. He wished her independent. But suppose England gets possession of that valuable island. With Cuba on the south, and Halifax on the north—and the consequent means of favoring or annoying commerce, of particular sections of the country—he asked, if the most sanguine among us would not tremble for the integrity of the Union? If, along with Cuba, Great Britain should acquire East Florida, she will have the absolute command of the Gulf of Mexico. Can gentlemen, particularly gentlemen from the western country, contemplate such possible, nay, probable, events, without desiring to see at least the commencement of such a naval establishment as would effectually protect the Mississippi? He entreated them to turn their attention to the defenseless situation of the Orleans Territory, and to the nature of its population. It is known, that, while under the Spanish government, they experienced the benefit of naval security. Satisfy them, that, under the government of the United States, they will enjoy less protection, and you disclose the most fatal secret.

The general government receives annually, for the public lands, about six hundred thousand dollars. One of the sources whence the western people raise this sum, is the exportation of the surplus productions of that country. Shut up the Mississippi, and this source is, in a great measure, dried up. But suppose this government to look upon the occlusion of the Mississippi, without making an effort on that element, where alone it could be made successfully, to remove the blockading force, and, at the same time, to be vigorously pressing payment for the public lands; he shuddered at the consequences. Deep-rooted as he knew the affections of the western people to be to the Union (and he would not admit their patriotism to be surpassed by any other quarter of the country), if such a state of things were to last any considerable time, he should seriously apprehend a withdrawal of their confidence. Nor, sir, could we dreive any apology for the failure to afford this protection, from the want of the materials for naval architecture. On the contrary, all the articles entering into the construction of a navy—iron, hemp, timber, pitch—abound in the greatest quantities on the waters of the Mississippi. Kentucky alone, he had no doubt, raised hemp enough the last year for the whole consumption of the United States.

If, as he conceived, gentlemen had been unsuccessful in showing that the downfall of maritime nations was ascribable to their navies, they have been more fortunate in showing, by the instances to which they had referred, that, without a marine, no foreign commerce could exist to any extent. It is the appropriate, the natural (if the term may be allowed)

connection of foreign commerce. The shepherd and his faithful dog are not more necessary to guard the flocks that browse and gambol on the neighboring mountain. He considered the prosperity of foreign commerce indissolubly allied to marine power. Neglect to provide the one and you must abandon the other. Suppose the expected war with England is commenced, you enter and subjugate Canada, and she still refuses to do you justice; what other possible mode will remain to operate on the enemy, but upon that element where alone you can then come in contact with him? And if you do not prepare to protect there your own commerce, and to assail his, will he not sweep from the ocean every vessel bearing your flag, and destroy even the coasting trade? But, from the arguments of gentlemen, it would seem to be questioned if foreign commerce is worth the kind of protection insisted upon. What is this foreign commerce that has suddenly become so inconsiderable? It has, with very trifling aid from other sources, defrayed the expenses of government ever since the adoption of the present Constitution; maintained an expensive and successful war with the Indians; a war with the Barbary powers; a quasi war with France; sustained the charges of suppressing two insurrections, and extinguishing upward of forty-six millions of the public debt. In revenue it has, since the year 1789, yielded one hundred and ninety-one millions of dollars. During the first four years after the commencement of the present government the revenue averaged only about two millions annually; during a subsequent period of four years it rose to an average of fifteen millions, annually, or became equivalent to a capital of two hundred and fifty millions of dollars, at an interest of six per centum per annum. And if our commerce is re-established, it will, in the course of time, net a sum for which we are scarcely furnished with figures in arithmetic. Taking the average of the last nine years (comprehending of course the season of the embargo), our exports average upward of thirty-seven millions of dollars, which is equivalent to a capital of more than six hundred millions of dollars, at six per centum interest; all of which must be lost in the event of a destruction of foreign commerce. In the abandonment of that commerce is also involved the sacrifice of our brave tars, who have engaged in the pursuit from which they derive subsistence and support, under the confidence that government would afford them that just protection which is due to all. They will be driven into foreign employment, for it is vain to expect that they will renounce their habits of life.

The spirit of commercial enterprise, so strongly depicted by the gentleman from New York (Mr. Mitchell) is diffused throughout the country. It is a passion as unconquerable as any with which nature has endowed us. You may attempt, indeed, to regulate, but you can not destroy it. It exhibits itself as well on the waters of the western country as on the waters and shores of the Atlantic. Mr. Clay had heard of a vessel, built at Pittsburg, having crossed the Atlantic and entered a European port (he believed that of Leghorn). The master of the vessel laid his papers

before the proper custom-house officer, which of course stated the place of her departure. The officer boldly denied the existence of any such American port as Pittsburg, and threatened a seizure of the vessel as being furnished with forged papers. The affrighted master procured a map of the United States, and, pointing out the Gulf of Mexico, took the officer to the mouth of the Mississippi, traced the course of the Mississippi more than a thousand miles, to the mouth of the Ohio, and conducting him still a thousand miles higher, to the junction of the Alleghany and Monongahela—there, he exclaimed, stands Pittsburg, the port from which I sailed! The custom-house officer, prior to the production of this evidence, would have as soon believed that the vessel had performed a voyage from the moon.

In delivering the sentiments he had expressed, Mr. Clay considered himself as conforming to a sacred constitutional duty. When the power to provide a navy was confided to Congress, it must have been the intention of the Convention to submit only to the discretion of that body the period when that power should be exercised. That period had, in his opinion, arrived, at least for making a respectable beginning. And while he thus discharged what he conceived to be his duty, he derived great pleasure from the reflection that he was supporting a measure calculated to impart additional strength to our happy Union. Diversified as are the interests of its various parts, how admirably do they harmonize and blend together! We have only to make a proper use of the bounties spread before us to render us prosperous and powerful. Such a navy as he had contended for, will form a new bond of connection between the States, concentrating their hopes, their interests, and their affections.

ON THE NEW ARMY BILL.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 8, 1813.

[THE war has commenced, and is now nearly eight months in progress. Our little navy, even against immense odds, by skillful maneuvering, and hard fighting, has covered itself with glory. But with few exceptions, enumerated by Mr. Clay in the following speech, the army has met with a series of mortifying disasters. Our attempts to take Canada have proved a failure. The army has been defeated and demoralized, and the country overshadowed with gloom. The administration is assailed with reproach by the opposition. The Hartford Convention has been in session, and disunion is threatened.

Under these circumstances, Congress assembled in December, 1812. On the 30th of August, General Harrison wrote to Mr. Clay, "In my opinion, your presence on the frontier of this State (Ohio) would be productive of great advantages. I can assure you, that your advice and assistance in determining the course of operations for the army (to the command of which I have been designated by your recommendation) will be highly useful. You are not only pledged in some manner for my conduct, but for the success of the war. For God's sake, then, come on to Piqua as quickly as possible, and let us endeavor to throw off from the administration that weight of reproach which the late disasters will heap upon them." Mr. Clay, however, could not go, his presence being required at Washington. This call of General Harrison, and the reasons assigned for it, would seem to justify Mr. Madison in the offer he made to Mr. Clay at this time, to give him the command of the army. But Mr. Clay could not be spared from his leadership in the House of Representatives. It is known, that Mr. Clay not only counseled war before it commenced, but that he had to screw up the courage of Mr. Madison and his Cabinet, while they hesitated. He, too, blew the same trumpet on the floor of Congress. On him, therefore, rested, in no slight degree, the responsibility of the war.

After the disasters on the frontier, and in Canada, there was no choice left but an increase of the army; and soon after the meeting of Congress, a bill was brought in to raise twenty additional regiments. It was during the pending of this bill that the following speech was delivered; and, as will be seen, Mr. Clay's chief attention was directed to the opponents of the war, who had embraced the opportunity of these misfortunes to fall upon the administration with the utmost virulence. It devolved on Mr. Clay to answer them. If we consider the position of the country, and the position of Mr. Clay himself, it can hardly be denied that he displayed on this occasion the greatest vigor of his character. He had two single aims, one to silence the opposition, and the other to reanimate the country for a vigorous prosecution of the war to an honorable peace. Canada was the vulnerable point of the enemy, and Canada must be taken—though it never was taken. With the exception of the defense of New Orleans, by General Jackson, on the 8th of January, 1815, our naval victories on the lakes and on the ocean, were the most brilliant achievements of the war.]

Mr. Clay (in Committee of the Whole) said he was gratified yesterday by the recommitment of this bill to a committee of the whole House, from two considerations: one, since it afforded him a slight relaxation from a most fatiguing situation; and the other, because it furnished him with an opportunity of presenting to the committee his sentiments upon the important topics which had been mingled in the debate. He regretted, however, that the necessity under which the chairman had been placed, of putting the question, precluded the opportunity he had wished to enjoy, of rendering more acceptable to the committee any thing he might have to offer on the interesting points on which it was his duty to touch. Unprepared, however, as he was to speak on this day, of which he was the more sensible from the ill state of his health, he would solicit the attention of the committee for a few moments.

I was a little astonished, I confess, said Mr. Clay, when I found this bill permitted to pass silently through the Committee of the Whole, and not selected until the moment when the question was to be put for its third reading, as the subject on which gentlemen in the opposition chose to lay before the House their views of the interesting attitude in which the nation stands. It did appear to me that the loan bill, which will soon come before us, would have afforded a much more proper occasion, it being more essential, as providing the ways and means for the prosecution of the war. But the gentlemen had the right of selection, and having exercised it, no matter how improperly, I am gratified, whatever I may think of the

character of some part of the debate, at the latitude in which, for once, they have been indulged. I claim only, in return, of gentlemen on the other side of the House, and of the committee, a like indulgence in expressing my sentiments with the same unrestrained freedom. Perhaps, in the course of the remarks which I feel myself called upon to make, gentlemen may apprehend that they assume too harsh an aspect; but I have only now to say that I shall speak of parties, measures, and things, as they strike my moral sense, protesting against the imputation of any intention on my part to wound the feelings of any gentleman.

Considering the situation in which this country is now placed—a state of actual war with one of the most powerful nations on the earth—it may not be useless to take a view of the past, and of the various parties which have at different times appeared in this country, and to attend to the manner by which we have been driven from a peaceful posture to our present warlike attitude. Such an inquiry may assist in guiding us to that result, an honorable peace, which must be the sincere desire of every friend to America. The course of that opposition, by which the administration of the government had been unremittingly impeded for the last twelve years, was singular, and, I believe, unexampled in the history of any country. It has been alike the duty and the interest of the administration to preserve peace. It was their duty, because it is necessary to the growth of an infant people, to their genius, and to their habits. It was their interest, because a change of the condition of the nation brings along with it a danger of the loss of the affections of the people. The administration has not been forgetful of these solemn obligations. No art has been left unessayed, no experiment, promising a favorable result, left untried to maintain the peaceful relations of the country. When, some six or seven years ago, the affairs of the nation assumed a threatening aspect, a partial non-importation was adopted. As they grew more alarming, an embargo was imposed. It would have accomplished its purpose, but it was sacrificed upon the altar of conciliation. Vain and fruitless attempt to propitiate! Then came along non-intercourse; and a general non-importation followed in the train. In the mean time, any indications of a return to the public law and the path of justice, on the part of either belligerent, are seized upon with avidity by the administration. The arrangement with Mr. Erskine is concluded. It is first applauded, and then censured by the opposition. No matter with what unfeigned sincerity, with what real effort, the administration cultivates peace, the opposition insists that it alone is culpable for every breach that is made between the two countries. Because the president thought proper, in accepting the proffered reparation for the attack on a national vessel, to intimate that it would have better comported with the justice of the king (and who does not think so?) to punish the offending officer, the opposition, entering into the royal feelings, sees, in that imaginary insult, abundant cause for rejecting Mr. Erskine's arrangement. On another occasion, you can not have forgotten

the hypocritical ingenuity which they displayed, to divest Mr. Jackson's correspondence of a premeditated insult to this country. If gentlemen would only reserve for their own government, half the sensibility which is indulged for that of Great Britain, they would find much less to condemn. Restriction after restriction has been tried; negotiation has been resorted to, until further negotiation would have been disgraceful. While these peaceful experiments are undergoing a trial, what is the conduct of the opposition? They are the champions of war—the proud—the spirited—the sole repository of the nation's honor—the men of exclusive vigor and energy. The administration, on the contrary, is weak, feeble, and pusillanimous—"incapable of being kicked into a war." The maxim, "not a cent for tribute, millions for defense," is loudly proclaimed. Is the administration for negotiation? The opposition is tired, sick, disgusted with negotiation. They want to draw the sword, and avenge the nation's wrongs. When, however, foreign nations, perhaps emboldened by the very opposition here made, refuse to listen to the amicable appeals, which have been repeated and reiterated by the administration, to their justice and to their interest—when, in fact, war with one of them has become identified with our independence and our sovereignty, and to abstain from it was no longer possible, behold the opposition veering round and becoming the friends of peace and commerce. They tell you of the calamities of war, its tragical events, the squandering away of your resources, the waste of the public treasure, and the spilling of innocent blood. "Gorgons, hydras, and chimeras dire." They tell you that honor is an illusion! Now, we see them exhibiting the terrific forms of the roaring king of the forest. Now the meekness and humility of the lamb! They are for war and no restrictions, when the administration is for peace. They are for peace and restrictions, when the administration is for war. You find them, sir, tacking with every gale, displaying the colors of every party, and of all nations, steady only in one unalterable purpose—to steer, if possible, into the haven of power.

During all this time, the parasites of opposition do not fail, by cunning sarcasm, or sly inuendo, to throw out the idea of French influence, which is known to be false, which ought to be met in one manner only, and that is by the lie direct. The administration of this country devoted to foreign influence! The administration of this country subservient to France! Great God! what a charge! how is it so influenced? By what ligament, on what basis, on what possible foundation does it rest? Is it similarity of language? No! we speak different tongues, we speak the English language. On the resemblance of our laws? No! the sources of our jurisprudence spring from another and a different country. On commercial intercourse? No! we have comparatively none with France. Is it from the correspondence in the genius of the two governments? No! here alone is the liberty of man secure from the inexorable despotism which everywhere else tramples it under foot. Where, then, is the ground of

such an influence? But, sir, I am insulting you by arguing on such a subject. Yet, preposterous and ridiculous as the insinuation is, it is propagated with so much industry, that there are persons found foolish and credulous enough to believe it. You will, no doubt, think it incredible (but I have nevertheless been told it as a fact) that an honorable member of this House, now in my eye, recently lost his election by the circulation of a silly story in his district that he was the first cousin of the Emperor Napoleon. The proof of the charge rested on the statement of facts, which was undoubtedly true. The gentleman in question, it was alleged, had married a connection of the lady of the President of the United States, who was the intimate friend of Thomas Jefferson, late President of the United States, who, some years ago, was in the habit of wearing red French breeches. Now, taking these premises as established, you, Mr. Chairman, are too good a logician not to see that the conclusion necessarily follows.

Throughout the period he had been speaking of, the opposition has been distinguished, amid all its veerings and changes, by another inflexible feature—the application to Bonaparte of every vile and opprobious epithet our language, copious as it is in terms of vituperation, affords. He has been compared to every hideous monster, and beast, from that mentioned in the Revelations, down to the most insignificant quadruped. He has been called the scourge of mankind, the destroyer of Europe, the great robber, the infidel, the modern Attila, and heaven knows by what other names. Really, gentlemen remind me of an obscure lady, in a city not very far off, who also took it into her head, in conversation with an accomplished French gentleman, to talk of the affairs of Europe. She, too, spoke of the destruction of the balance of power; stormed and raged about the insatiable ambition of the emperor; called him the curse of mankind, the destroyer of Europe. The Frenchman listened to her with perfect patience, and when she had ceased, said to her, with ineffable politeness, "Madame, it would give my master, the emperor, infinite pain, if he knew how hardly you thought of him." Sir, gentlemen appear to me to forget, that they stand on American soil; that they are not in the British House of Commons, but in the chamber of the House of Representatives of the United States; that we have nothing to do with the affairs of Europe, the partition of territory and sovereignty there, except so far as these things affect the interests of our own country. Gentlemen transform themselves into the Burkes, Chathams, and Pitts, of another country, and forgetting, from honest zeal, the interests of America, engage with European sensibility in the discussion of European interests. If gentlemen ask me whether I do not view with regret and horror the concentration of such vast power in the hands of Bonaparte, I reply, that I do. I regret to see the Emperor of China holding such immense sway over the fortunes of millions of our species. I regret to see Great Britain possessing so uncontrolled a command over all the waters of our globe. If I had the

ability to distribute among the nations of Europe their several portions of power and of sovereignty, I would say that Holland should be resuscitated, and given the weight she enjoyed in the days of her De Witts. I would confine France within her natural boundaries, the Alps, Pyrenees, and the Rhine, and make her a secondary naval power only. I would abridge the British maritime power, raise Prussia and Austria to their original condition, and preserve the integrity of the empire of Russia. But these are speculations. I look at the political transactions of Europe, with the single exception of their possible bearing upon us, as I do at the history of other countries, or other times. I do not survey them with half the interest that I do the movements in South America. Our political relation with them is much less important than it is supposed to be. I have no fears of French or English subjugation. If we are united we are too powerful for the mightiest nation in Europe, or all Europe combined. If we are separated and torn asunder, we shall become an easy prey to the weakest of them. In the latter dreadful contingency, our country will not be worth preserving.

Next to the notice which the opposition has found itself called upon to bestow upon the French emperor, a distinguished citizen of Virginia formerly President of the United States, has never for a moment failed to receive their kindest and most respectful attention. An honorable gentleman from Massachusetts (Mr. Quincy), of whom I am sorry to say it becomes necessary for me, in the course of my remarks, to take some notice, has alluded to him in a remarkable manner. Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. No, sir, in 1801, he snatched from the rude hand of usurpation the violated Constitution of his country, and that is his crime. He preserved that instrument in form, and substance, and spirit, a precious inheritance for generations to come, and for this he can never be forgiven. How vain and impotent is party rage directed against such a man! He is not more elevated by his lofty residence upon the summit of his own favorite mountain, than he is lifted, by the serenity of his mind and the consciousness of a well-spent life, above the malignant passions and bitter feelings of the day. No! his own beloved Monticello is not more moved by the storms that beat against its sides, than is this illustrious man by the howlings of the whole British pack, set loose from the Essex kennel! When the gentleman, to whom I have been compelled to allude, shall have mingled his dust with that of his abused ancestors, when he shall have been consigned to oblivion, or, if he lives at all, shall live only in the treasonable annals of a certain junto, the name of Jefferson will be hailed with gratitude, his memory honored and cherished as the second founder of the liberties of the people, and the period of his administration will be looked back to as one of the happiest and brightest epochs of American history—an oasis in the midst of a sandy desert. But I beg the gentleman's pardon; he has, indeed, secured to himself a more imperishable fame than I had supposed; I think it was

about four years ago that he submitted to the House of Representatives an initiative proposition for an impeachment of Mr. Jefferson. The House condescended to consider it. The gentleman debated it with his usual temper, moderation, and urbanity. The House decided upon it in the most solemn manner, and, although the gentleman had some how obtained a second, the final vote stood, one for, and one hundred and seventeen against the proposition.

In one respect there is a remarkable difference between the administration and the opposition: it is in a sacred regard for personal liberty. When out of power my political friends condemned the surrender of Jonathan Robbins; they opposed the violation of the freedom of the press in the sedition law; they opposed the more insidious attack upon the freedom of the person, under the imposing garb of an alien law. The party now in opposition, then in power, advocated the sacrifice of the unhappy Robbins, and passed those two laws. True to our principles, we are now struggling for the liberty of our seamen against foreign oppression. True to theirs, they oppose a war undertaken for this object. They have, indeed, lately affected a tender solicitude for the liberties of the people, and talk of the danger of standing armies, and the burden of the taxes. But it must be evident to you, Mr. Chairman, that they speak in a foreign idiom. Their brogue evinces that it is not their vernacular tongue. What! the opposition who, in 1798 and 1799, could raise a useless army to fight an enemy three thousand miles distant from us, alarmed at the existence of one raised for a known and specified object—the attack of the adjoining provinces of the enemy! What! the gentleman from Massachusetts, who assisted by his vote to raise the army of twenty-five thousand, alarmed at the danger of our liberties from this very army!

But, sir, I must speak of another subject which I never think of but with feelings of the deepest awe. The gentleman from Massachusetts, in imitation of some of his predecessors of 1799, has entertained us with a picture of cabinet plots, presidential plots, and all sorts of plots, which have been engendered by the diseased state of the gentleman's imagination. I wish, sir, that another plot of a much more serious and alarming character —a plot that aims at the dismemberment of our Union—had only the same imaginary existence. But no man who has paid any attention to the tone of certain prints, and to transactions in a particular quarter of the Union, for several years past, can doubt the existence of such a plot. It was far, very far from my intention to charge the opposition with such a design. No, I believe them generally incapable of it. But I can not say as much for some, who have been unworthily associated with them in the quarter of the Union to which I have referred. The gentleman can not have forgotten his own sentiments, uttered even on the floor of this House, "peaceably if we can, FORCIBLY if we must," nearly at the very time Henry's mission to Boston was undertaken. The flagitiousness of that embassy had been attempted to be concealed by directing the public at-

tention to the price which, the gentleman says, was given for the disclosure. As if any price could change the atrociousness of the attempt on the part of Great Britain, or could extenuate, in the slightest degree, the offense of those citizens who entertained and deliberated upon a proposition so infamous and unnatural! There was a most remarkable coincidence between some of the things which that man states, and certain events in the quarter alluded to. In the contingency of war with Great Britain, it will be recollected that the neutrality and eventual separation of that section of the Union was to be brought about. How, sir, has it happened, since the declaration of war, that British officers in Canada have asserted to American officers, that this very neutrality would take place? That they have so asserted can be established beyond controversy. The project is not brought forward openly with a direct avowal of the intention. No, the stock of good sense and patriotism in that portion of the country is too great to be undisguisedly encountered. It is assailed from the masked batteries of friendship, of peace and commerce on the one side, and by the groundless imputation of opposite propensities on the other. The affections of the people there are gradually to be undermined. The project is suggested or withdrawn; the diabolical *dramatis personæ* in this criminal tragedy make their appearance or exit as the audience, to whom they address themselves, applaud or condemn. I was astonished, sir, in reading lately a letter, or pretended letter, published in a prominent print in that quarter, and written, not in the fervor of party zeal, but coolly and dispassionately, to find that the writer affected to reason about a separation, and attempted to demonstrate its advantages to the different portions of the Union, deploring the existence now of what he terms prejudices against it, but hoping for the arrival of the period when they shall be eradicated. But, sir, I will quit this unpleasant subject; I will turn from one whom no sense of decency or propriety could restrain from soiling the carpet on which he treads, to gentlemen who have not forgotten what is due to themselves, to the place in which we are assembled, or to those by whom they are opposed. The gentleman from North Carolina (Mr. Pearson), from Connecticut (Mr. Pitkin), and from New York (Mr. Bleeker), have, with their usual decorum, contended that the war would not have been declared, had it not been for the duplicity of France in withholding an authentic instrument repealing the decrees of Berlin and Milan; that upon the exhibition of such an instrument the revocation of the Orders in Council took place; that this main cause of the war, but for which it would not have been declared, being removed, the administration ought to seek for the restoration of peace; and that upon its sincerely doing so, terms compatible with the honor and interest of this country might be obtained. It is my purpose, said Mr. Clay, to examine, first, into the circumstances under which the war was declared; secondly, into the causes of continuing it; and lastly, into the means which have been taken, or ought to be taken to procure peace; but, sir, I am really so exhausted

that, little as I am in the habit of asking of the House an indulgence of this kind, I feel I must trespass on their goodness.

[Here Mr. Clay sat down. Mr. Newton moved that the committee rise, report progress, and ask leave to sit again, which was done. On the next day he proceeded.]

I am sensible, Mr. Chairman, that some part of the debate, to which this bill has given rise, has been attended by circumstances much to be regretted, not usual in this House, and of which it is to be hoped, there will be no repetition. The gentleman from Boston had so absolved himself from every rule of decorum and propriety, had so outraged all decency, that I have found it impossible to suppress the feelings excited on the occasion. His colleague, whom I have the honor to follow, (Mr. Wheaton), whatever else he might not have proved, in his very learned, ingenious, and original exposition of the powers of this government—an exposition in which he has sought, where nobody before him has, and nobody after him will look, for a grant of our powers, I mean the preamble to the Constitution—has clearly shown, to the satisfaction of all who heard him, that the power of defensive war is conferred. I claim the benefit of a similar principle, in behalf of my political friends, against the gentlemen from Boston. I demand only the exercise of the right of repulsion. No one is more anxious than I am to preserve the dignity and the freedom of debate; no member is more responsible for its abuse, and, if, on this occasion, its just limits have been violated, let him, who has been the unprovoked aggressor, appropriate to himself, exclusively, the consequences.

I omitted yesterday, sir, when speaking of a delicate and painful subject, to notice a powerful engine which the conspirators against the integrity of the Union employ, to effect their nefarious purpose: I mean southern influence. The true friend to his country, knowing that our Constitution was the work of compromise, in which interests apparently conflicting were attempted to be reconciled, aims to extinguish or allay prejudices. But this patriotic exertion does not suit the views of those who are urged on by diabolical ambition. They find it convenient, to imagine the existence of certain improper influences, and to propagate with their utmost industry a belief of them. Hence the idea of southern preponderance, Virginia influence, the yoking of the respectable yeomanry of the North with negro slaves to the car of southern nabobs. If Virginia really cherished a reprehensible ambition, an aim to monopolize the chief magistracy of the country, how was such a purpose to be accomplished? Virginia, alone, can not elect a president, whose elevation depends upon a plurality of electoral votes, and a consequent concurrence of many States. Would Vermont, disinterested Pennsylvania, the Carolinas, independent Georgia, Kentucky, Tennessee, Ohio, Louisiana, all consent to become the tools of inordinate ambition? But the present incumbent was designated to the office before his predecessor had retired. How? By public sentiment—public sentiment, which grew out of his known virtues, his illustri-

ous services, and his distinguished abilities. Would the gentleman crush this public sentiment? Is he prepared to admit that he would arrest the progress of opinion?

The war was declared, because Great Britain arrogated to herself the pretension of regulating our foreign trade, under the delusive name of retaliatory orders in council—a pretension by which she undertook to proclaim to American enterprise, "thus far shalt thou go, and no further" —orders which she refused to revoke, after the alleged cause of their enactment had ceased; because she persisted in the practice of impressing American seamen; because she had instigated the Indians to commit hostilities against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. The war in fact was announced, on our part, to meet the war which she was waging on her part. So undeniable were the causes of the war, so powerfully did they address themselves to the feeling of the whole American people, that when the bill was pending before this House, gentlemen in the opposition, although provoked to debate, would not, or could not, utter one syllable against it. It is true, they wrapped themselves up in sullen silence, pretending they did not choose to debate such a question in secret session. While speaking of the proceedings on that occasion, I beg to be permitted to advert to another fact which transpired—an important fact, material for the nation to know, and which I have often regretted had not been spread upon our journals.

My honorable colleague (Mr. McKee) moved, in Committee of the Whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of which, seven belonged to this side of the House, and three only to the other! It is said that we were inveigled into the war by the perfidy of France; and that, had she furnished the document in time, which was first published in England, in May last, it would have been prevented. I will concede to gentlemen every thing they ask about the injustice of France toward this country. I wish to God that our ability was equal to our disposition, to make her feel the sense that we entertain of that injustice. The manner of the publication of the paper in question was, undoubtedly, extremely exceptionable. But I maintain that, had it made its appearance earlier, it would not have had the effect supposed; and the proof lies in the unequivocal declarations of the British government. I will trouble you, sir, with going no further back than to the letters of the British minister, addressed to the Secretary of State, just before the expiration of his diplomatic function. It will be recollected by the committee, that he exhibited to this government a dispatch, from Lord Castlereagh, in which the principle was distinctly avowed, that, to produce the effect of a repeal of the orders in council, the French decrees must be absolutely and entirely revoked as to all the world, and not as to America alone. A copy of that dispatch was demanded of him, and he very awkwardly

evaded it. But on the 10th of June, after the bill declaring war had actually passed this House, and was pending before the Senate (and which, I have no doubt, was known to him), in a letter to Mr. Monroe, he says: "I have no hesitation, sir, in saying, that Great Britain, as the case has hitherto stood, never did, and never could, engage, without the greatest injustice to herself and her allies, as well as to other neutral nations, to repeal her orders as affecting America alone, leaving them in force against other states, upon condition that France would except, singly and specially, America from the operation of her decrees." On the 14th of the same month, the bill still pending before the Senate, he repeats: "I will now say that I feel entirely authorized to assure you that if you can, at any time, produce a full and unconditional repeal of the French decrees, as you have a right ro demand it, in your character of a neutral nation, and that it be disengaged from any question concerning our maritime rights, we shall be ready to meet you with a revocation of the orders in council. Previously to your producing such an instrument, which I am sorry to see you regard as unnecessary, you can not expect of us to give up our orders in council." Thus, sir, you see that the British government would not be content with a repeal of the French decrees, as to us only. But the French paper in question was such a repeal. It could not, therefore, satisfy the British government. It could not, therefore, have induced that government, had it been earlier promulgated, to repeal the orders in council. It could not, therefore, have averted the war. The withholding of it did not occasion the war, and the promulgation of it would not have prevented the war. But gentlemen have contended that, in point of fact, it did produce a repeal of the orders in council. This I deny. After it made its appearance in England, it was declared by one of the British ministry, in Parliament, not to be satisfactory. And all the world knows that the repeal of the orders in council resulted from the inquiry, reluctantly acceded to by the ministry, into the effect upon their manufacturing establishments, of our non-importation law, or to the war-like attitude assumed by this government, or to both. But it is said, that the orders in council are withdrawn, no matter from what cause; and that having been the sole motive for declaring the war, the relations of peace ought to be restored. This brings me to the examination of the grounds for continuing the present hostilities between this country and Great Britain.

I am far from acknowledging that, had the orders in council been repealed, as they have been, before the war was declared, the declaration of hostilities would of course have been prevented. In a body so numerous as this is, from which the declaration emanated, it is impossible to say, with any degree of certainty, what would have been the effect of such a repeal. Each member must answer for himself. As to myself, I have no hesitation in saying, that I have always considered the impressment of American seamen as much the most serious aggression. But, sir, how

have those orders at last been repealed? Great Britain, it is true, has intimated a willingness to suspend their practical operation, but she still arrogates to herself the right to revive them upon certain contingencies, of which she constitutes herself the sole judge. She waives the temporary use of the rod, but she suspends it *in terrorem* over our heads. Supposing it to be conceded to, gentlemen, that such a repeal of the orders in council as took place on the 23d of June last, exceptionable as it is, being known before the war was proclaimed, would have prevented it; does it follow that it ought to induce us to lay down our arms, without the redress of any other injury of which we complain?

Does it follow, in all cases, that what would in the first instance have prevented would also terminate the war? By no means. It requires a strong and powerful effort in a nation, prone to peace as this is, to burst through its habits, and encounter the difficulties and privations of war. Such a nation ought but seldom to embark in a belligerent contest; but when it does, it should be for obvious and essential rights alone, and should firmly resolve to extort, at all hazards their recognition. The war of the Revolution is an example of a war begun for one object and prosecuted for another. It was waged, in its commencement, against the right asserted by the parent country to tax the colonies. Then no one thought of absolute independence. The idea of independence was repelled. But the British government would have relinquished the principle of taxation. The founders of our liberties saw, however, that there was no security short of independence, and they achieved that independence. When nations are engaged in war, those rights in controversy, which are not acknowledged by the treaty of peace, are abandoned. And who is prepared to say, that American seamen shall be surrendered as victims to the English principle of impressment? And, sir, what is this principle? She contends, that she has a right to the services of her own subjects; and that, in the exercise of this right, she may lawfully impress them, even although she finds them in American vessels, upon the high seas, without her jurisdiction. Now I deny that she has any right, beyond her jurisdiction, to come on board our vessels, upon the high seas, for any other purpose than in the pursuit of enemies, or their goods, or goods contraband of war. But she further contends, that her subjects can not renounce their allegiance to her, and contract a new obligation to other sovereigns. I do not mean to go into the general question of the right of expatriation. If, as is contended, all nations deny it, all nations at the same time admit and practice the right of naturalization. Great Britain herself does this. Great Britain, in the very case of foreign seamen, imposes, perhaps, fewer restraints upon naturalization than any other nation. Then, if subjects can not break their original allegiance, they may, according to universal usage, contract a new allegiance. What is the effect of this double obligation? Undoubtedly, that the sovereign, having possession of the subject, would have the right to the services of the subject. If he return within the jurisdiction of his

primitive sovereign he may resume his right to his services, of which the subject, by his own act, could not divest himself. But his primitive sovereign can have no right to go in quest of him, out of his own jurisdiction, into the jurisdiction of another sovereign, or upon the high seas, where there exists either no jurisdiction, or it is possessed by the nation owning the ship navigating them. But, sir, this discussion is altogether useless. It is not to the British principle, objectionable as it is, that we are alone to look; it is to her practice, no matter what guise she puts on. It is in vain to assert the inviolability of the obligation of allegiance. It is in vain to set up the plea of necessity, and to allege that she can not exist, without the impressment of HER seamen. The naked truth is, she comes, by her press-gangs, on board of our vessels, seizes OUR native as well as naturalized seamen, and drags them into her service. It is the case, then, of the assertion of an erroneous principle, and of a practice not conformable to the asserted principle—a principle, which, if it were theoretically right, must be forever practically wrong—a practice which can obtain countenance from no principle whatever, and to submit to which, on our part, would betray the most abject degradation. We are told, by gentlemen in the opposition, that government has not done all that was incumbent on it to do, to avoid just cause of complaint on the part of Great Britain; that, in particular, the certificates of protection, authorized by the act of 1796, are fraudulently used. Sir, government has done too much in granting those paper protections. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave—"Let the bearer, Mungo, pass and repass without molestation." What do they imply? That Great Britain has a right to seize all who are not provided with them. From their very nature, they must be liable to abuse on both sides. If Great Britain desires a mark, by which she can know her own subjects, let her give them an ear mark. The colors that float from the mast-head should be the credentials of our seamen. There is no safety to us, and the gentlemen have shown it, but in the rule, that all who sail under the flag (not being enemies) are protected by the flag. It is impossible, that this country should ever abandon the gallant tars who have won for us such splendid trophies. Let me suppose that the genius of Columbia should visit one of them in his oppressor's prison, and attempt to reconcile him to his forlorn and wretched condition. She would say to him, in the language of gentlemen on the other side, "Great Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail upon her, by peaceable means, to release you; but I can not, my son, fight for you." If he did not consider this mere mockery, the poor tar would address her judgment, and say, "You owe me, my country, protection; I owe you, in return, obedience. I am no British subject, I am a native of old Massachusetts, where lived my aged father, my wife, my children. I have faithfully discharged my duty. Will you

refuse to do yours?" Appealing to her passions, he would continue: "I lost this eye in fighting under Truxton, with the *Insurgente;* I got this scar before Tripoli; I broke this leg on board the *Constitution*, when the *Guerriere* struck." If she remained still unmoved, he would break out, in the accents of mingled distress and despair,

> "Hard, hard is my fate! once I freedom enjoyed,
> Was as happy as happy could be!
> Oh! how hard is my fate, how galling these chains!"*

I will not imagine the dreadful catastrophe to which he would be driven by an abandonment of him to his oppressor. It will not be, it can not be, that his country will refuse him protection.

It is said that Great Britain has been always willing to make a satisfactory arrangement of the subject of impressment; and that Mr. King had nearly concluded one, prior to his departure from that country. Let us hear what that minister says upon his return to America. In this letter, dated at New York in July, 1803, after giving an account of his attempt to form an arrangement for the protection of our seamen, and his interviews to this end with Lords Hawkesbury and St. Vincent; and stating that, when he had supposed the terms of a convention were agreed upon, a new pretension was set up (the *mare clausum*), he concludes: "I regret to have been unable to put this business on a satisfactory footing, knowing, as I do, its very great importance to both parties; but I flatter myself that I have not misjudged the interests of our own country, in refusing to sanction a principle that might be productive of more extensive evils than those it was our aim to prevent." The sequel of his negotiation on this affair is more fully given in the recent conversation between Mr. Russell and Lord Castlereagh, communicated to Congress during its present session. Lord Castlereagh says to Mr. Russell:

"Indeed, there has evidently been much misapprehension on this subject; an erroneous belief entertained that an arrangement, in regard to it, has been nearer an accomplishment than the facts will waraant. Even our friends in Congress, I mean those who are opposed to going to war with us, have been so confident in this mistake, that they have ascribed the failure of such an arrangement solely to the misconduct of the American government. This error probably originated with Mr. King; for, being much esteemed here, and always well received by the persons in power, he seems to have misconstrued their readiness to listen to his representations, and their warm professions of a disposition to remove the complaints of America, in relation to impressment, into a supposed conviction, on their part, of the propriety of adopting the plan which he had proposed. But Lord St. Vincent, whom he might have thought he had brought over to his opinions, appears never for a moment to have ceased to regard all arrange-

* The effect of the above hypothetical dialogue, ending with these lines, is said to have been prodigious.—*Editor.*

ments on the subject, to be attended with formidable if not insurmountable obstacles. This is obvious, from a letter which his lordship addressed to Sir William Scott at the time." Here Lord Castlereagh read a letter, contained in the records before him, in which Lord St. Vincent states to Sir William Scott the zeal with which Mr. King had assailed him on this subject of impressment; confesses his own perplexity, and total incompetency to discover any practical project for the safe discontinuance of that practice, and asks for counsel and advice. "Thus you see," proceeded Lord Castlereagh, "that the confidence of Mr. King, on this subject, was entirely unfounded."

Thus it is apparent, that at no time has the enemy been willing to place this subject on a satisfactory footing. I will speak hereafter of the overtures made by the administration since the war.

The honorable gentleman from New York (Mr. Bleeker), in the very sensible speech with which he favored the committee, made one observation which did not comport with his usual liberal and enlarged views. It was, that those who are most interested against the practice of impressment, did not desire a continuance of the war on account of it; while those (the southern and western members) who had no interest in it, were the zealous advocates of American seamen. It was a provincial sentiment unworthy of that gentleman. It was one which, in a change of condition, he would not express, because I know he could not feel it. Does not that gentleman feel for the unhappy victims of the tomahawk in the western wilds, although his quarter of the Union may be exempted from similar barbarities? I am sure he does. If there be a description of rights which, more than any other, should unite all parties in all quarters of the Union, it is unquestionably the rights of the person. No matter what his vocation; whether he seeks subsistence amid the dangers of the deep, or draws them from the bowels of the earth, or from the humblest occupations of mechanic life; wherever the sacred rights of an American freeman are assailed, all hearts ought to unite, and every arm should be braced to vindicate his cause.

The gentleman from Delaware sees in Canada no object worthy of conquest. According to him it is a cold, sterile, and inhospitable region. And yet such are the allurements which it offers, that the same gentleman apprehends that if it be annexed to the United States, already too much weakened by an extension of territory, the people of New England will rush over the line and depopulate that section of the Union! That gentleman considers it honest to hold Canada as a kind of hostage, to regard it as a sort of bond for the good behavior of the enemy. But he will not enforce the bond. The actual conquest of that country would, according to him, make no impression upon the enemy; and yet the very apprehension only of such a conquest would, at all times, have a powerful operation upon him! Other gentlemen consider the invasion of that country as wicked and unjustifiable. Its inhabitants are represented as harmless and

unoffending; as connected with those of the bordering States by a thousand tender ties, interchanging acts of kindness, and all the offices of good neighborhood. Canada, said Mr. Clay, innocent! Canada unoffending! Is it not in Canada that the tomahawk of the savage has been molded into its death-like form? Has it not been from Canadian magazines, Malden and others, that those supplies have been issued which nourish and continue the Indian hostilities—supplies which have enabled the savage hordes to butcher the garrison of Chicago, and to commit other horrible excesses and murders? Was it not by the joint co-operation of Canadians and Indians that a remote American fort, Michilimackinac, was assailed and reduced while in ignorance of a state of war? But, sir, how soon have the opposition changed their tone! When the administration was striving, by the operation of peaceful measures, to bring Great Britain back to a sense of justice, they were for old-fashioned war. And now they have got old-fashioned war their sensibilities are cruelly shocked, and all their sympathies lavished upon the harmless inhabitants of the adjoining provinces. What does a state of war present? The united energies of one people arrayed against the combined energies of another; a conflict in which each party aims to inflict all the injury it can, by sea and land, upon the territories, property, and citizens of an other; subject only to the rules of mitigated war practiced by civilized nations. The gentlemen would not touch the continental provinces of the enemy, nor, I presume, for the same reason, her possessions in the West Indies. The same humane spirit would spare the seamen and soldiers of the enemy. The sacred person of his majesty must not be attacked; for the learned gentlemen on the other side are quite familiar with the maxim, that the king can do no wrong. Indeed, sir, I know of no person on whom we may make war upon the principles of the honorable gentlemen but Mr. Stephen, the celebrated author of the orders in council, or the Board of Admiralty who authorize and regulate the practice of impressment!

The disasters of the war admonish us, we are told, of the necessity of terminating the contest. If our achievements by land have been less splendid than those of our intrepid seamen by water, it is not because the American soldier is less brave. On the one element, organization, discipline, and a thorough knowledge of their duties, exist, on the part of the officers and their men. On the other, almost every thing is yet to be acquired. We have, however, the consolation that our country abounds with the richest materials, and that in no instance, when engaged in action, have our arms been tarnished. At Brownstown and at Queenstown the valor of veterans was displayed, and acts of the noblest heroism were performed. It is true that the disgrace of Detroit remains to be wiped off. That is a subject on which I can not trust my feelings; it is not fitting I should speak. But this much I will say, it was an event which no human foresight could have anticipated, and for which the administration can not be justly censured. It was the parent of all the misfortunes we have ex-

perienced on land. But for it the Indian war would have been, in a great measure, prevented or terminated; the ascendency on lake Erie acquired, and the war pushed on, perhaps, to Montreal. With the exception of that event, the war, even upon the land, has been attended by a series of the most brilliant exploits, which, whatever interest they may inspire on this side of the mountains, have given the greatest pleasure on the other. The expedition, under the command of Governor Edwards and Colonel Russell, to lake Pioria, on the Illinois, was completely successful. So was that of Captain Craig, who, it is said, ascended that river still higher. General Hopkins destroyed the prophet's town. We have just received intelligence of the gallant enterprise of Colonel Campbell. In short, sir, the Indian towns have been swept from the mouth to the source of the Wabash; and a hostile country has been penetrated far beyond the most daring incursions of any campaign, during the former Indian war. Never was more cool, deliberate bravery displayed, than that by Newman's party, from Georgia. And the capture of the *Detroit*, and the destruction of the *Caledonia* (whether placed to a maritime or land account), for judgment, skill, and courage, on the part of Lieutenant Elliott, have never been surpassed.

It is alleged that the elections in England are in favor of the ministry, and that those in this country are against the war. If, in such a cause (saying nothing of the impurity of their elections) the people of that country have rallied round their government, it affords a salutary lesson to the people here; who, at all hazards, ought to support theirs, struggling as it is to maintain our just rights. But the people here have not been false to themselves; a great majority approve the war, as is evinced by the recent re-election of the chief magistrate. Suppose it were even true, that an entire section of the Union were opposed to the war; that section being a minority, is the will of the majority to be relinquished? In that section the real strength of the opposition had been greatly exaggerated. Vermont has, by two successive expressions of her opinion, approved the declaration of war. In New Hampshire, parties are so nearly equipoised, that out of thirty or thirty-five thousand votes, those who approved and are for supporting it, lost the election by only one thousand or one thousand five hundred. In Massachusetts alone have they obtained any considerable accession. If we come to New York, we shall find that other and local causes have influenced her elections.

What cause, Mr. Chairman, which existed for declaring the war, has been removed? We sought indemnity for the past, and security for the future. The orders in council are suspended, not revoked; no compensation for spoliations; Indian hostilities, which were before secretly instigated, are now openly encouraged; and the practice of impressment unremittingly persevered in and insisted upon. Yet the administration has given the strongest demonstrations of its love of peace. On the 29th of June, less than ten days after the declaration of war, the Secretary of

State writes to Mr. Russell, authorizing him to agree to an armistice, upon two conditions only, and what are they? That the orders in council should be repealed, and the practice of impressing American seamen cease, those already impressed being released. The proposition was for nothing more than a real truce; that the war should in fact cease on both sides. Again, on the 27th of July, one month later, anticipating a possible objection to these terms, reasonable as they are, Mr. Monroe empowers Mr. Russell to stipulate in general terms for an armistice, having only a formal understanding on these points. In return, the enemy is offered a prohibition of the employment of his seamen in our service, thus removing entirely all pretext for the practice of impressment. The very proposition which the gentleman from Connecticut (Mr. Pitkin) contends ought to be made, has been made. How are these pacific advances met by the other party? Rejected as absolutely inadmissible; cavils are indulged about the inadequacy of Mr. Russell's powers, and the want of an act of Congress is intimated. And yet the constant usage of nations, I believe, is, where the legislation of one party is necessary to carry into effect a given stipulation, to leave it to the contracting party to provide the requisite laws. If he fail to do so, it is a breach of good faith, and becomes the subject of subsequent remonstrance by the injured party. When Mr. Russell renews the overture, in what was intended as a more agreeable form to the British government, Lord Castlereagh is not content with a simple rejection, but clothes it in the language of insult. Afterward, in conversation with Mr. Russell, the moderation of our government is misinterpreted, and made the occasion of a sneer, that we are tired of the war. The proposition of Admiral Warren is submitted in a spirit not more pacific. He is instructed, he tells us, to propose, that the government of the United States shall instantly recall their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever, against the territories of his majesty, or the persons or property of his subjects. That small affair being settled, he is further authorized to arrange as to the revocation of the laws which interdict the commerce and ships of war of his majesty from the harbors and waters of the United States. This messenger of peace comes with one qualified concession in his pocket, not made to the justice of our demands, and is fully empowered to receive our homage, a contrite retraction of all our measures adopted against his master! And, in default, he does not fail to assure us, the orders in council are to be forthwith revived. The administration, still anxious to terminate the war, suppresses the indignation which such a proposal ought to have created, and, in its answer, concludes by informing Admiral Warren, "that if there be no objection to an accommodation of the difference relating to impressment, in the mode proposed, other than the suspension of the British claim to impressment during the armistice, there can be none to proceeding, without the armistice, to an immediate discussion and arrangement of an article on that subject."

Thus it has left the door of negotiation unclosed, and it remains to be seen, if the enemy will accept the invitation tendered to him. The honorable gentleman from North Carolina (Mr. Pearson) supposes, that if Congress would pass a law, prohibiting the employment of British seamen in our service, upon condition of a like prohibition on their part, and repeal the act of non-importation, peace would immediately follow. Sir, I have no doubt, if such a law were to pass, with all the requisite solemnities, and the repeal to take place, Lord Castlereagh would laugh at our simplicity. No, sir, the administration has erred in the steps which it has taken to restore peace, but its error has been not in doing too little, but in betraying too great a solicitude for that event. An honorable peace is attainable only by an efficient war. My plan would be, to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negotiate the terms of a peace at Quebec or at Halifax. We are told that England is a proud and lofty nation, which, disdaining to wait for danger, meets it half way. Haughty as she is, we once triumphed over her, and, if we do not listen to the counsels of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fail like men, lash ourselves to our gallant tars, and expire together in one common struggle, fighting for FREE TRADE AND SEAMEN'S RIGHTS.

ON MR. CLAY'S RETURN FROM GHENT.

DELIVERED AT A PUBLIC DINNER AT LEXINGTON, GIVEN IN HONOR OF MR. CLAY, OCTOBER 7, 1815.

[MR. CLAY, who had been the chief prompter of the war with Great Britain, was appointed one of the Commissioners to negotiate a peace, and, as has ever been conceded, was greatly influential in determining the conditions. Christopher Hughes, the Secretary of that Commission, in a private letter to Mr. Clay, dated November, 27, 1844, at London, says: "You did more at that Congress than any of its members, by your tact, your discretion, your moderation, your self-command, and your incomparable manner—more, I say, than any other, to bestow this most blessed boon (of peace) among men." Mr. Clay's friends at Lexington, including the people of all parties, were justly proud, not only of the part he had enacted in the war, but especially of his instrumentality in making peace; and on his return, they gave him a public dinner. One of the toasts was as follows: "Our negotiators at Ghent: their talents at diplomacy have kept pace with the valor of our arms, in demonstrating to the enemy that these States will be free." Another toast was: "Our guest, Henry Clay: we welcome his return to that country whose rights and interests he has so ably maintained at home and abroad." To the first of these toasts Mr. Clay made the following reply:]

I FEEL myself called on, by the sentiment just expressed, to return my thanks, in behalf of my colleagues and myself. I do not, and am quite sure they do not, feel, that, in the service alluded to, they are at all entitled to the compliment which has been paid them. We could not do otherwise than reject the demand made by the other party; and if our labors finally terminated in an honorable peace, it was owing to causes on this side of the Atlantic, and not to any exertion of ours. Whatever diversity of opinion may have existed as to the declaration of the war, there are some points on which all may look back with proud satisfaction. The first re-

lates to the time of the conclusion of the peace. Had it been made immediately after the treaty of Paris, we should have retired humiliated from the contest, believing that we had escaped the severe chastisement with which we were threatened, and that we owed to the generosity and magnanimity of the enemy, what we were incapable of commanding by our arms. That magnanimity would have been the theme of every tongue, and of every press, abroad and at home. We should have retired, unconscious of our own strength, and unconscious of the utter inability of the enemy, with his whole undivided force, to make any serious impression upon us. Our military character, then in the lowest state of degradation, would have been unretrieved. Fortunately for us, Great Britain chose to try the issue of the last campaign. And the issue of the last campaign has demonstrated, in the repulse before Baltimore, the retreat from Plattsburg, the hard-fought action on the Niagara frontier, and in that most glorious day, the eighth of January, that we have always possessed the finest elements of military composition, and that a proper use of them, only, was necessary, to insure for the army and militia a fame as imperishable as that which the navy had previously acquired.

Another point which appears to me to afford the highest consolation is, that we fought the most powerful nation, perhaps, in existence, single-handed and alone, without any sort of alliance. More than thirty years has Great Britain been maturing her physical means, which she had rendered as efficacious as possible, by skill, by discipline, and by actual service. Proudly boasting of the conquest of Europe, she vainly flattered herself with the easy conquest of America also. Her veterans were put to flight or defeated, while all Europe—I mean the governments of Europe—was gazing with cold indifference, or sentiments of positive hatred of us, upon the arduous contest. Hereafter no monarch can assert claims of gratitude upon us, for assistance rendered in the hour of danger.

There is another view of which the subject of the war is fairly susceptible. From the moment that Great Britain came forward at Ghent with her extravagant demands, the war totally changed its character. It became, as it were, a new war. It was no longer an American war, prosecuted for redress of British aggressions upon American rights, but became a British war, prosecuted for objects of British ambition, to be accompanied by American sacrifices. And what were those demands? Here, in the immediate neighborhood of a sister State and territories, which were to be made in part the victims, they must have been felt, and their enormity justly appreciated. They consisted of the erection of a barrier between Canada and the United States, to be formed by cutting off from Ohio and some of the territories a country more extensive than Great Britain, containing thousands of freemen, who were to be abandoned to their fate, and creating a new power, totally unknown upon the continent of America; of the dismantling of our fortresses, and naval power on the lakes, with the surrender of the military occupation of those waters to the enemy, and

of an *arrondissement* for two British provinces. These demands, boldly asserted, and one of them declared to be a *sine qua non*, were finally relinquished. Taking this view of the subject, if there be loss of reputation by either party, in the terms of peace, who has sustained it?

The effects of the war are highly satisfactory. Abroad, our character, which at the time of its declaration was in the lowest state of degradation, is raised to the highest point of elevation. It is impossible for any American to visit Europe, without being sensible of this agreeable change, in the personal attentions which he receives, in the praises which are bestowed on our past exertions, and the predictions which are made as to our future prospects. At home, a government, which, at its formation, was apprehended by its best friends, and pronounced by its enemies to be incapable of standing the shock, is found to answer all the purposes of its institution. In spite of the errors which have been committed (and errors have undoubtedly been committed), aided by the spirit and patriotism of the people, it is demonstrated to be as competent to the objects of effective war, as it has been before proved to be to the concerns of a season of peace. Government has thus acquired strength and confidence. Our prospects for the future, are of the brightest kind. With every reason to count on the permanence of peace, it remains only for the Government to determine upon military and naval establishments adapted to the growth and extension of our country and its rising importance, keeping in view a gradual but not burdensome increase of the navy; to provide for the payment of the interest, and the redemption of the public debt, and for the current expenses of Government. For all these objects, the existing sources of the revenue promise not only to be abundantly sufficient, but will probably leave ample scope to the exercise of the judgment of Congress, in selecting for repeal, modification, or abolition, those which may be found most oppressive, inconvenient, or unproductive.

[In reply to the second toast, as given above, Mr. Clay said:]

My friends, I must again thank you for your kind and affectionate attention. My reception has been more like that of a brother than a common friend or acquaintance, and I am utterly incapable of finding words to express my gratitude. My situation is like that of a Swedish gentleman, at a dinner given in England by the Society of Friends of Foreigners in Distress. A toast having been given complimentary to his country, it was expected, as is usual on such occasions, that he would rise and address the company. The gentleman, not understanding the English language, rose under great embarassment, and said, "Sir, I wish you to consider me a foreigner in distress." I wish you, gentlemen, to consider me a friend in distress.

ON THE BANK QUESTION.

MR. CLAY'S ADDRESS TO HIS CONSTITUENTS, LEXINGTON, JUNE 3, 1816.

[MR. CLAY'S speech in the House of Representatives, 1816, in favor of the re-incorporation of the Bank of the United States, was not published; and as he had spoken and voted against the bill for the re-charter of the Bank in 1811, it seemed quite proper, and necessary to his polititical consistency, that he should avail himself of some opportunity to give his reasons for this apparent change of opinion. In our introduction to his speech on this subject, in 1811, we have endeavored to show, that there was really no change of opinion, but simply an adaptation of policy to a change of circumstances in the financial and commercial condition of the nation. In 1811, the State banks were in a good condition, and competent, if required, to transact the financial affairs of the general government; whereas, the national bank, as then administered, did not work satisfactorily. It could be dispensed with, if the State banks had continued sound. But the war of 1812 gave such a severe trial to the State bank system, as nearly to break it down, and at the close of the war, the country was left without a sound currency. Commerce, trade, and the government, were equally embarrassed for proper and safe financial agents. The currency had utterly failed to furnish an agency for these indispensable purposes, and the universal cry was for a national bank. What could a wise and practical statesman do in such a case? If he could see that it was merely a present popular demand, soon to pass over, he might risk opposition to the measure; but if the demand was well founded, and likely to become louder and stronger from the necessities of the country, opposition would have been an act of folly. The success of the bank for twenty years from 1816, proved the wisdom of the measure. It executed all the financial business of the government without charge, receiving for its compensation the use of the public deposits; it operated as a salutary regulator of the currency by its check on unsound State

banks; and no party or person ever suffered the loss of a penny by this bank. Nicholas Biddle, when he established the United States Bank of Pennsylvania, committed the injustice, it might be called a fraud, by continuing the same name—"United States Bank"—to this State institution; whereas it was no more a national institution than a hotel or oyster-cellar called by that name, of which there are specimens in every city of the United States; and when Nicholas Biddle's State bank, wearing this name, like a seventy-four gun ship floating in a mill-pond, failed, it was alleged by the party opposed to a national bank, to be a national bank; and to this day more than half of the people of the United States think it was the same national bank which served the nation and the commercial public so well, till General Jackson, in 1836, vetoed the bill to re-charter it. Biddle's bank failed, because, in the use of its credit and funds, he entered into commercial speculations, which never could have been done, if the same capital had been in a national bank, as it would have had full employment as a national institution. The Committee of Congress, also, appointed for a periodical inspection of the affairs of the national bank, was ever an effectual check on such a perversion of its faculties. But the State of Pennsylvania, which conferred the charter on Nicholas Biddle's bank, had provided no such check. With a capital of thirty-six millions, in a State bank, which must be employed some way, Nicholas Biddle launched forth into his wild speculations, and hence the ruin of the bank. The following address is a lucid exposition of Mr. Clay's reasons for opposing the re-charter of the bank in 1811, and for advocating the bill in 1816.]

On one subject, that of the Bank of the United States, to which at the late session of Congress he gave his humble support, Mr. Clay felt particularly anxious to explain the grounds on which he had acted. This explanation, if not due to his own character, the State, and the district to which he belonged, had a right to demand. It would have been unnecessary if his observations addressed to the House of Representatives, pending the measure, had been published; but they were not published, and why they were not published he was unadvised.

When he was a member of the Senate of the United States, he was induced to oppose the renewal of the charter to the old Bank of the United States by three general considerations. The first was that he was instructed to oppose it by the Legislature of the State. What were the reasons that operated with the Legislature in giving the instruction he did not know. He has understood from members of that body, at the time it

was given, that a clause, declaring that Congress had no power to grant the charter, was stricken out; from which it might be inferred, either that the Legislature did not believe a bank to be unconstitutional, or that it had formed no opinion on that point. This inference derives additional strength from the fact that, although the two late senators from this State, as well as the present senators, voted for a national bank, the Legislature, which must have been well apprised that such a measure was in contemplation, did not again interpose, either to protest against the measure itself, or to censure the conduct of those senators. From this silence on the part of a body which has ever fixed a watchful eye upon the proceedings of the general government, he had a right to believe that the Legislature of Kentucky saw, without dissatisfaction, the proposal to establish a national bank; and that its opposition to the former one was upon grounds of expediency, applicable to that corporation alone, or no longer existing. But when, at the last session, the question came up as to the establishment of a national bank, being a member of the House of Representatives, the point of inquiry with him was, not so much what was the opinion of the Legislature —although undoubtedly the opinion of a body so respectable would have great weight with him under any circumstances—as what were the sentiments of his immediate constituents. These he believed to be in favor of such an institution from the following circumstances: In the first place, his predecessor (Mr. Hawkins) voted for a national bank, without the slightest murmur of discontent. Secondly, during the last fall, when he was in his district, he conversed freely with many of his constituents upon that subject, then the most common topic of conversation, and all, without a single exception, as far as he recollected, agreed that it was a desirable if not the only efficient remedy for the alarming evils in the currency of the country. And lastly, during the session, he received many letters from his constituents, prior to the passage of the bill, all of which concurred, he believed without a solitary exception, in advising the measure. So far, then, from being instructed by his district to oppose the bank, he had what was, perhaps, tantamount to an instruction to support it—the acquiescence of his constituents in the vote of their former representative, and the communications, oral, and written, of the opinions of many of them in favor of a bank.

The next consideration which induced him to oppose the renewal of the old charter was, that he believed the corporation had, during a portion of the period of its existence, abused its powers, and had sought to subserve the views of a political party. Instances of its oppression, for that purpose, were asserted to have occurred at Philadelphia and at Charleston; and, although denied in Congress by the friends of the institution, during the discussions on the application for the renewal of the charter, they were, in his judgment, satisfactorily made out. This oppression, indeed, was admitted in the House of Representatives, in the debate on the present bank, by a distinguished member of that party which had so warmly

espoused the renewal of the old charter. It may be said, what security is there that the new bank will not imitate this example of oppression? He answered, the fate of the old bank, warning all similar institutions to shun politics, with which they ought not to have any concern; the existence of abundant competition, arising from the great multiplication of banks; and the precautions which are to be found in the details of the present bill.

A third consideration upon which he acted in 1811, was, that as the power to create a corporation, such as was proposed to be continued, was not specifically granted in the Constitution, and did not then appear to him to be necessary to carry into effect any of the powers which were specifically granted, Congress was not authorized to continue the bank. The Constitution, he said, contained powers delegated and prohibitory, powers expressed and constructive. It vests in Congress all powers necessary to give effect to the enumerated powers—all that may be necessary to put in motion and activity the machine of government which it constructs. The powers that may be so necessary are deducible by construction. They are not defined in the Constitution. They are, from their nature, indefinable. When the question is in relation to one of these powers, the point of inquiry should be, is its exertion necessary to carry into effect any of the enumerated powers and objects of the general government? With regard to the degree of necessity various rules have been, at different times, laid down; but, perhaps, at last, there is no other than a sound and honest judgment, exercised under the checks and control which belong to the Constitution and to the people.

The constructive powers being auxiliary to the specifically granted powers, and depending for their sanction and existence upon a necessity to give effect to the latter, which necessity is to be sought for and ascertained by a sound and honest discretion, it is manifest that this necessity may not be perceived, at one time under one state of things, when it is perceived, at another time, under a different state of things. The Constitution, it is true, never changes; it is always the same; but the force of circumstances and the lights of experience may evolve to the fallible persons charged with its administration, the fitness and necessity of a particular exercise of constructive power to-day, which they did not see at a former period.

Mr. Clay proceeded to remark, that when the application was made to renew the old charter of the Bank of the United States, such an institution did not appear to him to be so necessary to the fulfillment of any of the objects specially enumerated in the Constitution, as to justify Congress in assuming, by construction, a power to establish it. It was supported mainly upon the ground that it was indispensable to the treasury operations. But the local institutions in the several States were, at that time, in prosperous existence, confided in by the community, having a confidence in each other, and maintaining an intercourse and connection the most intimate. Many of them were actually employed by the treasury to

aid that department in a part of its fiscal arrangements; and they appeared to him to be fully capable of affording to it all the facility that it ought to desire in all of them. They superseded, in his judgment, the necessity of a national institution. But how stood the case in 1816, when he was called upon again to examine the power of the general government to incorporate a national bank? A total change of circumstances was presented; events of the utmost magnitude had intervened.

A general suspension of specie payments had taken place, and this had led to a train of consequences of the most alarming nature. He beheld, dispersed over the immense extent of the United States, about three hundred banking institutions, enjoying in different degrees the confidence of the public, shaken as to them all, under no direct control of the general government, and subject to no actual responsibility to the State authorities. These institutions were emitting the actual currency of the United States; a currency consisting of a paper, on which they neither paid interest nor principal, while it was exchanged for the paper of the community, on which both were paid. He saw these institutions in fact exercising what had been considered, at all times, and in all countries, one of the highest attributes of sovereignty, the regulation of the current medium of the country. They were no longer competent to assist the treasury in either of the great operations of collection, deposit, or distribution, of the public revenues. In fact, the paper which they emitted, and which the treasury, from the force of events, found itself constrained to receive, was constantly obstructing the operations of that department. For it would accumulate where it was not wanted, and could not be used where it was wanted for the purposes of government, without a ruinous and arbitrary brokerage. Every man who paid or received from the government, paid or received as much less than he ought to have done as was the difference between the medium in which the payment was effected and specie. Taxes were no longer uniform. In New England, where specie payments have not been suspended, the people were called upon to pay larger contributions than where they were suspended. In Kentucky as much more was paid by the people in their taxes than was paid, for example, in the State of Ohio, as Kentucky paper was worth more than Ohio paper.

It appeared to Mr. Clay, that, in this condition of things, the general government could depend no longer upon these local institutions, multiplied and multiplying daily; coming into existence by the breath of eighteen State sovereignties, some of which by a single act of volition had created twenty or thirty at a time. Even if the resumption of specie payments could have been anticipated, the general government remaining passive, it did not seem to him that the general government ought longer to depend upon these local institutions exclusively for aid in its operations. But he did not believe it could be justly so anticipated. It was not the interest of all of them that the renewal of specie payments should take place, and yet, without concert between all or most of them it could not be

effected. With regard to those disposed to return to a regular state of things, great difficulties might arise as to the time of its commencement.

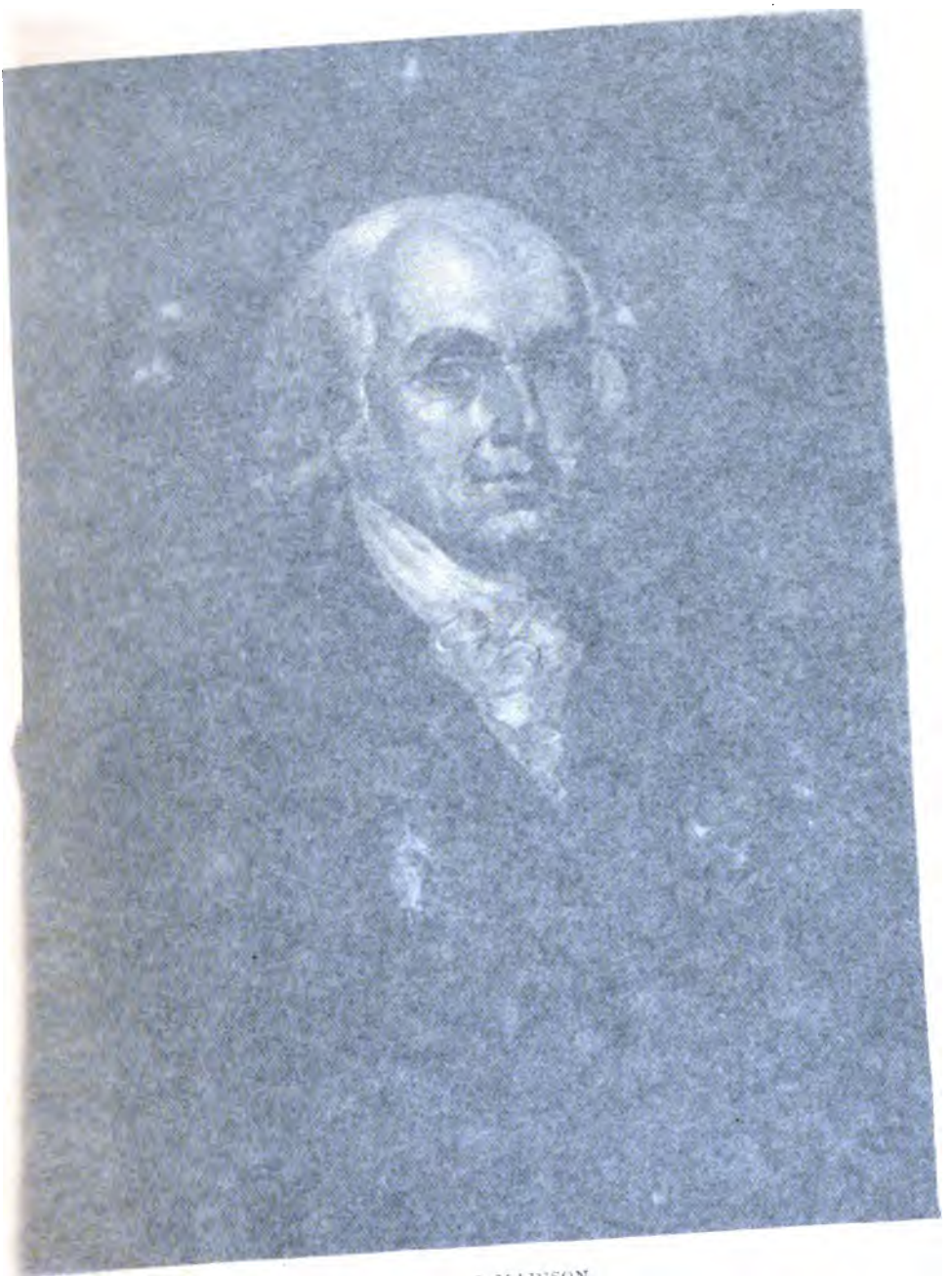
Considering, then, that the state of the currency was such that no thinking man could contemplate it without the most serious alarm; that it threatened general distress, if it did not ultimately lead to convulsion and subversion of the government; it appeared to him to be the duty of Congress to apply a remedy, if a remedy could be devised. A national bank, with other auxiliary measures, was proposed as that remedy. Mr. Clay said, he determined to examine the question with as little prejudice as possible arising from his former opinion. He knew that the safest course to him, if he pursued a cold, calculating prudence, was to adhere to that opinion, right or wrong. He was perfectly aware that if he changed, or seemed to change it, he should expose himself to some censure. But looking at the subject with the light shed upon it by events happening since the commencement of the war, he could no longer doubt. A bank appeared to him not only necessary, but indispensably necessary, in connection with another measure, to remedy the evils of which all were but too sensible. He preferred to the suggestions of the pride of consistency the evident interests of the community, and determined to throw himself upon their candor and justice. That which appeared to him in 1811, under the state of things then existing, not to be necessary to the general government, seemed now to be necessary, under the present state of things. Had he then foreseen what now exists, and no objection had lain against the renewal of the charter other than that derived from the Constitution, he should have voted for the renewal.

Other provisions of the Constitution, but little noticed, if noticed at all, in the discussions in Congress in 1811, would seem to urge that body to exert all its powers to restore to a sound state the money of the country. That instrument confers upon Congress the power to coin money, and to regulate the value of foreign coins; and the States are prohibited to coin money, to emit bills of credit, or to make any thing but gold and silver coin a tender in payment of debts. The plain inference is, that the subject of the general currency was intended to be submitted exclusively to the general government. In point of fact, however, the regulation of the general currency is in the hands of the State governments, or, which is the same thing, of the banks created by them. Their paper has every quality of money, except that of being made a tender, and even this is imparted to it by some States, in the law by which a creditor must receive it, or submit to a ruinous suspension of the payment of his debt. It was incumbent upon Congress to recover the control which it had lost over the general currency. The remedy called for, was one of caution and moderation, but of firmness. Whether a remedy directly acting upon the banks and their paper thrown into circulation, was in the power of the general government or not, neither Congress nor the community were prepared for the application of such a remedy. An indirect remedy, of

a milder character, seemed to be furnished by a national bank. Going into operation, with the powerful aid of the treasury of the United States, he believed it would be highly instrumental in the renewal of specie payments. Coupled with the other measure adopted by Congress for that object, he believed the remedy effectual. The local banks must follow the example which the national bank would set them, of redeeming their notes by the payment of specie, or their notes will be discredited and put down.

If the Constitution, then, warranted the establishment of a bank, other considerations, beside those already mentioned, strongly urged it. The want of a general medium is everywhere felt. Exchange varies continually, not only between different parts of the Union, but between different parts of the same city. If the paper of a national bank were not redeemed in specie, it would be much better than the current paper, since, although its value in comparison with specie might fluctuate, it would afford a uniform standard.

If political power be incidental to banking corporations, there ought, perhaps, to be in the general government some counterpoise to that which is exerted by the States. Such a counterpoise might not indeed be so necessary, if the States exercised the power to incorporate banks equally, or in proportion to their respective populations. But that is not the case. A single State has a banking capital equivalent, or nearly so, to one fifth of the whole banking capital of the United States. Four States combined, have the major part of the banking capital of the United States. In the event of any convulsion, in which the distribution of banking institutions might be important, it may be urged, that the mischief would not be alleviated by the creation of a national bank, since its location must be within one of the States. But in this respect the location of the bank is extremely favorable, being in one of the middle States, not likely from its position, as well as its loyalty, to concur in any scheme for subverting the government. And a sufficient security against such contingency is to be found in the distribution of branches in different States, acting and reacting upon the parent institution, and upon each other.



JAMES MADISON.

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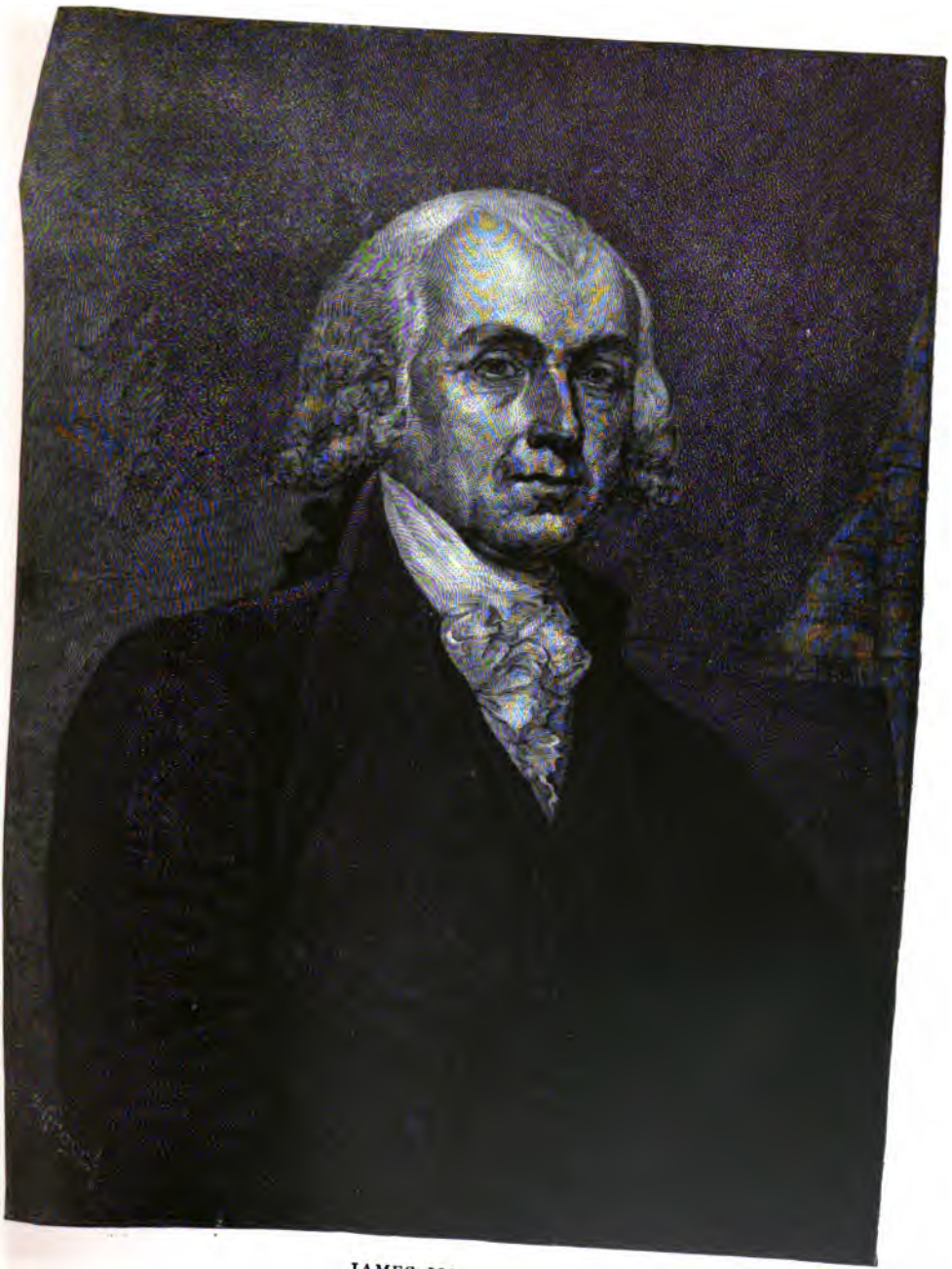


JAMES MADISON.

ON THE DIRECT TAX, AND THE STATE OF THE NATION AFTER THE WAR OF 1812.

IN THE HOUSE OF REPRESENTATIVES, JANUARY, 1816.

[AFTER the war of 1812, the revenue of the government from the customs, and a small demand for the public lands, were found insufficient for the public expenditures, and to pay the interest on the public debt—a striking contrast to that plethoric condition of the national treasury which has characterized its condition of late years, since the difficulty has been, not to obtain a revenue, but how to employ it. A direct tax for national purposes, is always a delicate and obnoxious measure. But after the war of 1812, it became necessary; hence a renewed attack by the opposition on the administration, for the war and the consequent increase of the public debt, the interest on which, at least, must be provided for by a prudent government. The terms of the peace, too, were assailed by the opposition. In this argument, Mr. Clay found himself assailed, as one of the Commissioners at Ghent. We had gained nothing by the war, it was said—not even the abandonment, on the part of Great Britain, of the right of impressment, for which practice the war had been declared and prosecuted. For this reason, it was contended, we had gained nothing but disgrace and the war debt. It will be seen that these attacks of the opposition opened the broad question of the state of the country, and called on Mr. Clay to vindicate the results of the Commission at Ghent. The bugbear of a standing army, was also brought into the arena, although it was not proposed to have more than ten thousand men for all our forts and frontiers. It was proposed by the opposition to reduce the army to four or five thousand. This Mr. Clay thought altogether inadequate. The variety of important questions discussed in the following speech, growing out of the circumstances of the country at that time, and the bold and statesmanlike manner in which they are treated, constitute an historical epitome of great interest. We are instructed by it in these affairs,

and the speech casts a light upon them which can nowhere else be found. Mr. Clay never speaks without shedding the light of his own peculiar and practical views on the topics which he handles. We do not find much about taxes in this speech; but we find a state of the country disclosed which would make the people content with the burden; and that was the most important practical result. It was important to give satisfactory reasons of silence as to the British claim of impressment; and the result, down to this time, has shown that Mr. Clay was right. That claim has never been re-asserted, and never will be. It is dead. For all practical purposes, therefore, the main purpose of the war was achieved. To require a formal abandonment of the claim, which Great Britain had already ceased to exercise, since she had found that this country would never endure it, and which for the same reason she would never presume to attempt again, as was understood by the parties engaged in the negotiation, would have been supreme folly, considering the state of Europe at that time, when Great Britain, disengaged from her war on the Continent, was prepared to send all her forces, naval and military, against us. Her national pride, and perhaps her power, were concerned in maintaining the principle, though she never intended to reduce it to practice in relation to us. The Commissioners, therefore, wisely concluded to waive the question, knowing very well that we should never hear from it again, as we have not. It can not be denied, that Mr. Clay's vindication of the Commissioners was triumphant; and so of the policy of the war.

Mr. Clay strongly hints, in this speech, at that policy of protecting American manufactures, of which he afterward became the leading advocate; and he turns a sympathizing eye on the Spanish American Colonies, struggling for independence, suggesting that it might yet be the policy of the United States to aid them more effectually than by mere sympathy. Two years afterward he began to advocate a recognition of their independence.

Internal improvements, by means of roads running through the entire line of the States, North and South, East and West, are also distinctly advocated in this speech—a project which afterward so eminently distinguished Mr. Clay's political career. The net-work of railways, which now overlie the country, was not then foreseen. It was such works as the Cumberland road which Mr. Clay at this time had in his eye, and which was afterward achieved by his sole influence in the national councils.]

Mr. Clay (in Committee of the Whole), said, the course had been pursued, ever since he had the honor of a seat on this floor, to select some subject during the early part of the session, on which, by a general understanding, gentlemen were allowed to indulge themselves in remarks on the existing state of public affairs. The practice was a very good one, he said, and there could be no occasion more proper than that of a proposition to lay a direct tax.

Those who have for fifteen years past administered the affairs of this government, have conducted this nation to an honorable point of elevation, at which they may justly pause, challenge a retrospect, and invite attention to the bright field of prosperity which lies before us.

The great objects of the Committee of Finance, in the report under consideration, are, in the first place, to provide for the payment of the public debts, and in the second, to provide for the support of the government, and the payment of such expenses as should be authorized by Congress. The greater part of the debt, Mr. Clay admitted, had grown out of the late war; yet a considerable portion of it consisted of that contracted in the former war for independence, and a portion of it, perhaps, of that which arose out of the wars with Tripoli and Algiers. Gentlemen had, on this occasion, therefore, fairly a right to examine into the course of administration heretofore, to demonstrate the impolicy of those wars, and the injudiciousness of the public expenditures generally. In the cursory view which he should take of this subject, he must be allowed to say, he should pay no particular attention to what had passed before, in debate.

An honorable colleague (Mr. Hardin) who spoke the other day, like another gentleman who preceded him in debate, had taken occasion to refer to his (Mr. Clay's) late absence from this country on public business; but Mr. Clay said, he trusted, among the fruits of that absence were a greater respect for the institutions which distinguish this happy country, a greater confidence in them, and an increased disposition to cling to them. Yes, sir, I was in the neighborhood of the battle of Waterloo, and some lessons I did derive from it; but they were lessons which satisfied me, that national independence was only to be maintained by national resistance against foreign encroachments, by cherishing the interests of the people, and giving to the whole physical power of the country an interest in the preservation of the nation. I have been taught that lesson; that we should never lose sight of the possibility that a combination of despots, of men unfriendly to liberty, propagating what, in their opinion, constitutes the principle of legitimacy, might reach our happy land, and subject us to that tyranny and degradation which seems to be one of their objects in another country. The result of my reflections is, the determination to aid with my vote in providing my country with all the means to protect its liberties, and guard them even from serious menace. Motives of delicacy which the committee would be able to understand and appreciate, prevented him from noticing some of his colleague's (Mr. Hardin's) remarks;

but he would take the occasion to give him one admonition—that when he next favored the House with an exhibition of his talent for wit, with a display of those elegant implements, for his possession of which the gentleman from Virginia had so handsomely complimented him—that he would recollect that it is bought, and not borrowed wit which the adage recommends as best. With regard to the late war with Great Britain, history, in deciding upon the justice and policy of that war, will determine the question according to the state of things which existed when that war was declared. I gave a vote for the declaration of war. I exerted all the little influence and talents I could command to make the war. The war was made; it is terminated; and I declare with perfect sincerity, if it had been permitted me to lift the vail of futurity, and to have foreseen the precise series of events which has occurred, my vote would have been unchanged. The policy of the war, as it regarded our state of preparation, must be determined with reference to the state of things at the time that war was declared. He need not take up the time of the House in demonstrating that we had cause sufficient for war. We had been insulted, and outraged, and spoliated upon by almost all Europe—by Great Britain, by France, Spain, Denmark, Naples, and, to cap the climax, by the little, contemptible power of Algiers. We had submitted too long and too much. We had become the scorn of foreign powers, and the contempt of our own citizens. The question of the policy of declaring war at the particular time when it was commenced is best determined by applying to the enemy himself; and what said he? That of all the circumstances attending its declaration, none was so aggravating as that we should have selected the moment which, of all others, was most inconvenient to him, when he was struggling for self-existence in a last effort against the gigantic power of France! The question of the state of preparation for war, at any time, is a relative question—relative to our own means, the condition of the other power, and the state of the world at the time of declaring it. We could not expect, for instance, that a war against Algiers would require the same means or extent of preparation as a war against Great Britain; and if it was to be waged against one of the primary powers of Europe, at peace with all the rest of the world, and therefore all her force at command, it could not be commenced with so little preparation as if her whole force were employed in another quarter. It is not necessary again to repel the stale, ridiculous, false story of French influence, originating in Great Britain, and echoed here. I now contend, as I have always done, that we had a right to take advantage of the condition of the world, at the time war was declared. If Great Britain were engaged in war, we had a right to act on the knowledge of the fact, that her means of annoyance, as to us, were diminished; and we had a right to obtain all the collateral aid we could, from the operations of other powers against her, without entering into those connections which are forbidden by the genius of our government. But it was rather like disturb

ing the ashes of the dead, now to discuss the questions of the justice or expediency of the war. They were questions long since settled, and on which the public opinion was decisively made up in favor of the administration.

He proceeded to examine the conditions of the peace and the fruits of the war—questions of more recent date, and more immediately applicable to the present discussion. The terms of the peace must be determined by the same rule that was applicable to the declaration of war—that rule which was furnished by the state of the world at the time the peace was made; and even if it were true that all the sanguine expectations which might have been formed at the time of the declaration of war, were not realized by the terms of the subsequent peace, it did not follow that the war was improperly declared, or the peace dishonorable, unless the condition of the parties, in relation to other powers, remained substantially the same throughout the struggle, and at the time of the termination of the war, as it was at the commencement of it. At the termination of the war France was annihilated—blotted out of the map of Europe; the vast power wielded by Bonaparte existed no longer. Let it be admitted that statesmen, in laying their course, are to look at probable events; that their conduct is to be examined with reference to the course of events which, in all human probability, might have been anticipated; and is there a man in this House, in existence, who can say, that on the 18th day of June, 1812, when the war was declared, it would have been anticipated that Great Britain, by the circumstance of a general peace, resulting from the overthrow of a power whose basements were supposed to be deeper laid, more ramified, and more extended than those of any power ever were before, would be placed in the attitude in which she stood in December, 1814? Would any one say that this government could have anticipated such a state of things, and ought to have been governed in its conduct accordingly? Great Britain, Russia, Germany, did not expect—not a power in Europe believed—as late even as January, 1814, that in the ensuing March, Bonaparte would abdicate, and the restoration of the Bourbons would follow. What then was the actual condition of Europe when peace was concluded? A perfect tranquillity reigned throughout; for as late as the 1st of March, the idea of Napoleon's reappearing in France was as little entertained as that of a man's coming from the moon to take upon himself the government of the country. In December, 1814, a profound and apparently a permanent peace existed; Great Britain was left to dispose of the vast force, the accumulation of twenty-five years, the work of an immense system of finance and protracted war; she was at liberty to employ that undivided force against this country. Under such circumstances it did not follow, according to the rules laid down, either that the war ought not to have been made, or that peace on such terms ought not to have been concluded.

What, then, were the terms of the peace? The regular opposition in

this country, the gentlemen on the other side of the House, had not come out to challenge an investigation of the terms of the peace, although they had several times given a sidewipe at the treaty, on occasions with which it had no necessary connection. It had been sometimes said, that we had gained nothing by the war, that the fisheries were lost, etc. How, he asked, did this question of the fisheries really stand? By the first part of the third article of the treaty of 1783, the right was recognized in the people of the United States to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time to fish. This right was a necessary incident to our sovereignty, although it is denied to some of the powers of Europe. It was not contested at Ghent; it has never been drawn in question by Great Britain. But by the same third article it was further stipulated, that the inhabitants of the United States shall have "liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks, of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground." The British Commissioners, assuming that these liberties had expired by the war between the two countries, at an early period of the negotiation declared that they would not be revived without an equivalent. Whether the treaty of 1783 does not form an exception to the general rule, according to which treaties are vacated by a war breaking out between the parties, is a question on which he did not mean to express an opinion. The first article of that treaty, by which the King of Great Britain acknowledges the sovereignty of the United States, certainly was not abrogated by the war; that all the other parts of the same instrument, which define the limits, privileges, and liberties attaching to that sovereignty, were equally unaffected by the war, might be contended for with at least much plausibility. If we determined to offer them the equivalent required, the question was, what should it be? When the British Commissioners demanded, in their *projet*, a renewal to Great Britain of the right to the navigation of the Mississippi, secured by the treaty of 1783, a bare majority of the American Commissioners offered to renew it, upon the condition that the liberties in question were renewed to us. He was not one of that majority. He would not trouble the committee with his reasons for being opposed to the offer. A majority of his colleagues, actuated he believed by the best motives, made, however, the offer, and it was refused by the British Commissioners.

If the British interpretation of the treaty of 1783 be correct, we have lost the liberties in question. What the value of them really is, he had not been able to meet with any two gentlemen who agreed. The great value of the whole mass of our fishery interests, as connected with our navigation and trade, was sufficiently demonstrated by the tonnage employed; but of what was the relative importance of these liberties, there was great contrariety of statements. They were liberties to be exercised within a foreign jurisdiction, and some of them were liable to be destroyed by the contingency of settlement. He did not believe, that much importance attached to such liberties. And, supposing them to be lost, we are, perhaps, sufficiently indemnified by the redemption of the British mortgage upon the navigation of the Mississippi. This great stream, on that supposition, is placed where it ought to be, in the same independent condition with the Hudson, or any other river in the United States.

If, on the contrary, the opposite construction of the treaty of 1783 be the true one, these liberties remain to us, and the right to the navigation of the Mississippi, as secured to Great Britain by that instrument, continues with her.

But he was surprised to hear a gentleman from the western country (Mr. Hardin) exclaim, that we had gained nothing by the war. Great Britain acquired, by the treaty negotiated by Mr. Jay, the right to trade with the Indians within our territories. It was a right upon which she placed great value, and from the pursuit of which she did not desist without great reluctance. It had been exercised by her agents in a manner to excite the greatest sensibility in the western country. This right was clearly lost by the war; for, whatever may be the true opinion as to the treaty of 1783, there can be no doubt that the stipulations of that of 1794 no longer exist.

It had been said, that the great object in the continuation of the war, had been to secure our mariners against impressment, and that peace was made without accomplishing it. With regard to the opposition, he presumed that they would not urge any such argument. For, if their opinion was to be inferred (though he hoped in this case it was not) from that of an influential and distinguished member of the opposition, we had reason to believe that they did not think the British doctrines wrong on this subject. He alluded to a letter said to be written by a gentleman of great consideration, residing in an adjoining State, to a member of this House, in which the writer states that he conceives the British claim to be right, and expresses his hope that the president, however he might kick at it, would be compelled to swallow the bitter pill. If the peace had really given up the American doctrine, it would have been, according to that opinion, merely yielding to the force of the British right. In that view of the subject, the error of the administration would have been in contending for too much in behalf of this country; for he presumed there was no doubt that, whether right or wrong, it would be an important

principle gained to secure our seamen against British impressment. And he trusted in God that all future administrations would rather err on the side of contending for too much than too little for America.

But he was willing to admit, that the conduct of the administration ought to be tried by their own opinions, and not those of the opposition. One of the great causes of the war, and of its continuance, was the practice of impressment exercised by Great Britain, and if this claim has been admitted, by necessary implication or express stipulation, the administration has abandoned the rights of our seamen. It was with utter astonishment that he heard that it had been contended in this country, that because our right of exemption from the practice had not been expressly secured in the treaty, it was therefore given up! It was impossible that such an argument could be advanced on the floor. No member who regarded his reputation would have dared advance such an argument here.

Had the war terminated, the practice continuing, he admitted that such might be a fair inference; and on some former occasion he had laid down the principle, which he thought correct, that if the United States did not make peace with Great Britain, the war in Europe continuing, and therefore she continuing the exercise of the practice, without any stipulation to secure us against its effects, the plain inference would be, that we had surrendered the right. But what is the fact? At the time of the conclusion of the treaty of peace, Great Britain had ceased the practice of impressment; she was not only at peace with all the powers of Europe, but there was every prospect of a permanent and durable peace. The treaty being silent on the subject of impressment, the only plain rational result was, that neither party had conceded its rights, but they were left totally unaffected by it. He recollected to have heard in the British House of Commons, while he was in Europe, the very reverse of the doctrine advanced here on this subject. The British ministry were charged by a member of the opposition with having surrendered their right of impressment, and the same course of reasoning was employed to prove it, as, he understood, was employed in this country to prove our acquiescence in that practice. The argument was this: the war was made on the professed ground of resistance of the practice of impressment; the peace having been made without a recognition of the right of America, the treaty being silent on the subject, the inference was that the British authorities had surrendered the right—that they had failed to secure it, and, having done so, had in effect yielded it. The member of the opposition in England was just as wrong as any member of this House would be, who should contend that the right of impressment is surrendered to the British government. The fact was, neither party had surrendered its rights; things remain as though the war had never been made—both parties are in possession of all the rights they had anterior to the war. Lest it might be deduced that his sentiments on the subject of impressment had undergone a change, he took the opportunity to say, that, although he desired to preserve peace between

Great Britain and the United States, and to maintain between them that good understanding calculated to promote the interest of each, yet, whenever Great Britain should give satisfactory evidence of her design to apply her doctrine of impressment as heretofore, he was, for one, ready to take up arms again to oppose her. The fact was, that the two nations had been placed in a state of hostility as to a practice growing out of the war in Europe. The war ceasing between Great Britain and the rest of Europe, left England and America engaged in a contest on an aggression which had also practically ceased. The question had then presented itself, whether the United States should be kept in war, to gain an abandonment of what had become a mere abstract principle; or, looking at the results, and relying on the good sense and sound discretion of both countries, we should not recommend the termination of the war. When no practical evil could result from the suspension of hostilities, and there was no more than a possibility of the renewal of the practice of impressment, I, as one of the mission, consented with sincere pleasure to the peace, satisfied that we gave up no right, sacrificed no honor, compromitted no important principle. He said, then, applying the rule of the actual state of things, as that by which to judge of the peace, there was nothing in the conditions or terms of the peace that was dishonorable, nothing for reproach, nothing for regret.

Gentlemen have complained that we had lost the islands in the bay of Passamaquoddy. Have they examined into that question, and do they know the grounds on which it stands? Prior to the war we occupied Moose Island, the British, Grand Menan. Each party claimed both islands; America, because they are within the limits of the United States, as defined by the treaty of 1783; and Great Britain, because, as she alleges, they were in the exception contained in the second article of that treaty as to islands within the limits of the province of Nova Scotia. All the information which he had received concurred in representing Grand Menan as the most valuable island. Does the treaty, in stipulating for an amicable and equitable mode of settling this controversy, yield one foot of the territory of the United States? If our title to Moose Island is drawn in question, that of Great Britain to Grand Menan is equally so. If we may lose the one, she may the other. The treaty, it was true, contained a provision that the party in possession, at the time of its ratification, may hold on until the question of right is decided. The committee would observe, that this stipulation, as to possession, was not limited to the moment of the signature, but looked to the period of the ratification of the treaty. The American Commissioners had thought they might safely rely on the valor of Massachusetts, or the arms of the United States, to drive the invader from our soil; and had also hoped that we might obtain possession of Grand Menan. It is true, they have been disappointed in the successful application of the force of that State and of that of the Union. But it is not true that we have parted with the right. It is fair to presume that Great

Britain will, with good faith, co-operate in carrying the stipulations into effect; and she has, in fact, already promptly proceeded to the appointment of commissioners under the treaty.

What have we gained by the war? He had shown we had lost nothing in rights, territory, or honor; nothing for which we ought to have contended, according to the principles of the gentlemen on the other side, or according to our own. Have we gained nothing by the war? Let any man look at the degraded condition of this country before the war—the scorn of the universe, the contempt of ourselves—and tell me, if we have gained nothing by the war? What is our present situation? Respectability and character abroad; security and confidence at home. If we have not obtained, in the opinion of some, the full measure of retribution, our character and Constitution are placed on a solid basis, never to be shaken. The glory acquired by our gallant tars, by our Jacksons and our Browns on the land, is that nothing? True, we have had our vicissitudes—that there were humiliating events which the patriot could not review without deep regret. But the great account, when it came to be balanced, thank God, would be found vastly in our favor. Is there a man, he asked, who would have obliterated from the pages of our history the brilliant achievements of Jackson, Brown, Scott, and the host of heroes on land and sea whom he would not enumerate? Is there a man who could not desire a participation in the national glory acquired by the war?—yes, national glory; which, however the expression may be condemned by some, must be cherished by every genuine patriot. What do I mean by national glory? Glory such as Hull, of the *Constitution*, Jackson, Lawrence, Perry, have acquired. And are gentlemen insensible to their deeds? to the value of them, in animating the country in the hour of peril hereafter? Did the battle of Thermopylæ preserve Greece but once? While the Mississippi continues to bear the tributes of the Iron mountains, and the Alleghany to her delta and to the Gulf of Mexico, the 8th of January shall be remembered, and the glory of that day shall stimulate future patriots, and nerve the arms of unborn freemen, in driving the presumptuous invader from our country's soil. Gentlemen may boast of their insensibility to feelings inspired by the contemplation of such events. But he would ask, does the recollection of Bunker's hill, of Saratoga, of Yorktown, afford them no pleasure? Every act of noble sacrifice to the country—every instance of patriotic devotion to her cause—has its beneficial influence. A nation's character is the sum of its splendid deeds. They constitute one common patrimony—the nation's inheritance. They awe foreign powers. They arouse and animate our own people. Do gentlemen derive no pleasure from the recent transactions in the Mediterranean? Can they regard unmoved the honorable issue of a war, in support of our national rights, declared, prosecuted, and determined by a treaty in which the enemy submitted to a carte-blanche, in the short period of forty days? The days of chivalry are not gone. They have been re-

vived in the person of Commodore Decatur, who, in releasing from infidel bondage Christian captives—the subjects of a foreign power—and restoring them to their country and their friends, has placed himself beside the most renowned knights of former times. I love true glory. It is this sentiment which ought to be cherished; and in spite of cavils and sneers and attempts to put it down, it will finally conduct this nation to that height to which God and nature have destined it. Three wars, those who at the present administer this government may say, and say with proud satisfaction, they have safely conducted us through. Two with powers, which, though otherwise contemptible, have laid almost all Europe under tribute—a tribute from which we are exonerated. The third, with one of the most gigantic powers that the world ever saw. These struggles have not been without their sacrifices, nor without their lessons. They have created, or rather greatly increased, the public debt. They have thought, that, to preserve the character we have established, preparation for war is necessary.

The public debt exists. However contracted, the faith of the nation is pledged for its redemption. It can only be paid by providing an excess of revenue beyond expenditure, or by retrenchment. Did gentlemen contend that the results of the report were inaccurate—that the proceeds of the revenue would be greater, or the public expense less than the estimate? On these subjects he believed it would be presumption in him, when the defense of the report was in such able hands (Mr. Lowndes's), to attempt its vindication. Leaving the task to that gentleman, he should assume, for the present, its accuracy. He would lay down a general rule, from which there ought never to be a departure without absolute necessity—that the expenses of the year ought to be met by the revenue of the year. If in time of war it were impossible to observe this rule, we ought, in time of peace, to provide for as speedy a discharge of the debt contracted in the preceding war as possible. This can only be done by an effective sinking-fund, based upon an excess of revenue beyond expenditure, and a protraction of the period of peace. If in England the sinking-fund had not fulfilled what was promised, it was because of a failure to provide such a revenue, and because the intervals of peace in that country had been too few and too short. From the Revolution to 1812, a period of one hundred and twenty-four years, there had been sixty-three years of war, and only sixty-one of peace; and there had been contracted £638,129,577 of debt, and discharged only £39,594,305. The national debt at the peace of Utretcht amounted to £52,681,076, and during the peace which followed, being about twenty-seven years, from 1714 to 1740, there was discharged only £7,231,503. When the operations of our sinking-fund were contrasted with those of Great Britain, they would be found to present the most gratifying results. Our public debt, existing on the 1st day of January, 1802, amounted to $78,754,568, 70; and on the 1st of January, 1815, we had extinguished $33,873,463 98. Thus in thirteen

years, one half the period of peace that followed the treaty of Utrecht, we had discharged more public debt than Great Britain did during that period. In twenty-six years she did not pay much more than a seventh of her debt. In thirteen years we paid more than a third of ours. If, then, a public debt, contracted in a manner, he trusted, satisfactory to the country, imposed upon us a duty to provide for its payment; if we were encouraged, by past experience, to persevere in the application of an effective sinking-fund, he would again repeat, that the only alternatives were the adoption of a system of taxation producing the revenue estimated by the Committee of Ways and Means, or by great retrenchment of the public expenses.

In what respect can a reduction of the public expenses be effected? Gentlemen who assailed the report on this ground have, by the indefinite nature of the attack, great advantage on their side. Instead of contenting themselves with crying out retrenchment! retrenchment! a theme always plausible, an object always proper when the public interest will admit of it, let them point the attention of the House to some specified subject. If they really think a reduction of the army and navy, or either of them, be proper, let them lay a resolution upon the table to that effect. They had generally, it is true, singled out, in discussing this report (and he had no objection to meet them in this way, though he thought the other the fairest course), the military establishment. He was glad that the navy had fought itself into favor, and that no one appeared disposed to move its reduction or to oppose its gradual augmentation. But the "standing army" is the great object of gentlemen's apprehensions. And those who can bravely set at defiance hobgoblins, the creatures of their own fertile imaginations, are trembling for the liberties of the people endangered by a standing army of ten thousand men. Those who can courageously vote against taxes are alarmed for the safety of the Constitution and the country at such a force scattered over our extensive territory! This could not have been expected, at least in the honorable gentleman (Mr. Ross), who, if he had been storming a fort, could not have displayed more cool, collected courage than he did, when he declared that he would show to Pennsylvania that she had one faithful representative bold and independent enough to vote against a tax!

He had happened, very incidentally, the other day, and in a manner which he had supposed could not attract particular attention, to state, that the general condition of the world admonished us to shape our measures with a view to the possible conflicts into which we might be drawn; and he said, he did not know when he should cease of witness the attacks made upon him in consequence of that general remark; when he should cease to hear the cry of "standing army," "national glory," etc., etc. From the tenor of gentlemen's observations, it would seem as if, for the first time in the history of this government, it was now proposed, that a certain regular force should constitute a portion of the public defense. But from the administration of General Washington, down to this time,

a regular force, a standing army (if gentlemen please), had existed, and the only question about it, at any time, had been, what should be the amount. Gentlemen themselves, who most loudly decry this establishment, did not propose an entire disbandment of it; and the question, ever with them is, not whether a regular force be necessary, but whether a regular force of this or that amount be called for by the actual state of our affairs.

The question is not, on any side of the House, as to the nature, but the quantum of the force. He maintained the position, that if there was the most profound peace that ever existed, if we had no fears from any quarter whatever, if all the world was in a state of the most profound and absolute repose, a regular force of ten thousand men was not too great for the purposes of this government. We knew too much, he said, of the vicissitudes of human affairs, and the uncertainty of all our calculations, not to know that even in the most profound tranquillity, some tempest may suddenly arise, and bring us into a state requiring the exertion of military force, which can not be created in a moment, but requires time for its collection, organization, and discipline. When gentlemen talked of the force which was deemed sufficient some twenty years ago, what did they mean? That this force was not to be progressive? That the full-grown man ought to wear the clothes and habits of his infancy? That the establishment maintained by this government, when its population amounted to four or five millions only, should be the standard by which our measures should be regulated, in all subsequent states of the country? If gentlemen meant this, as it seemed to him they did, he and they should not agree. He contended that establishments ought to be commmensurate with the actual state of the country, should grow with its growth, and keep pace with its progress. Look at that map (said he, pointing to the large map of the United States, which hangs in the hall of Representatives)—at the vast extent of that country which stretches from the Lake of the Woods, in the north-west, to the Bay of Fundy, in the east. Look at the vast extent of our maritime coast; recollect we have Indians and powerful nations coterminous on the whole frontier; and that we know not at what moment the savage enemy, or Great Britain herself, may seek to make war with us. Ought the force of the country to be graduated by the scale of our exposure, or are we to be uninfluenced by the increase of our liability to war? Have we forgotten that the power of France, as a counterpoise to that of Great Britain, is annihilated—gone, never to rise again, I believe, under the weak, unhappy, and imbecile race who now sway her destinies? Any individual must, I think, come to the same conclusion with myself, who takes these considerations into view, and reflects on our growth, the state of our defenses, the situation of the nations of the world, and above all, of that nation with whom we are most likely to come into collision; for it is in vain to conceal it: this country must have many a hard and desperate tug with Great Britain, let the two governments be

administered how and by whom they may. That man must be blind to the indications of the future, who can not see that we are destined to have war after war with Great Britain, until, if one of the two nations be not crushed, all grounds of collision shall have ceased between us. I repeat, if the condition of France were that of perfect repose, instead of that of a volcano, ready to burst out again with a desolating eruption; if with Spain our differences were settled; if the dreadful war raging in South America were terminated; if the marines of all the powers of Europe were resuscitated as they stood prior to the revolution of France; if there was universal repose, and profound tranquillity among all the nations of the earth; considering the actual growth of our country, in my judgment, the force of ten thousand men would not be too great for its exigences. Do gentlemen ask, if I rely on the regular force entirely for the defense of the country? I answer, it is for garrisoning and keeping in order our fortifications, for the preservation of the national arms, for something like a safe depository of military science and skill, to which we may recur in time of danger, that I desire to maintain an adequate regular force. I know that in the hour of peril, our great reliance must be on the whole physical force of the country, and that no detachment of it can be exclusively depended on. History proves that no nation, not destitute of the military art, whose people were united in its defense, ever was conquered. It is true, that in countries where standing armies have been entirely relied on, the armies have been subdued, and the subjugation of the nation has been the consequence of it; but no example is to be found of a united people being conquered, who possessed an adequate degree of military knowledge. Look at the Grecian republics, struggling successfully against the overwhelming force of Persia; look more recently at Spain. I have great confidence in the militia, and I would go with my honorable colleague (Mr. M'Kee), whose views I know are honest, hand in hand, in arming, disciplining, and rendering effective, the militia. I am for providing the nation with every possible means of resistance. I ask my honorable colleague, after I have gone thus far with him, to go a step further with me, and let us retain the force we now have for the purposes I have already described. I ask gentlemen who propose to reduce the army, if they have examined in detail the number and extent of the posts and garrisons on our maritime and interior frontier? If they have not gone through this process of reasoning, how shall we arrive at the result that we can reduce the army with safety? There is not one of our forts adequately garrisoned at this moment; and there is nearly one fourth of them that have not one solitary man. I said the other day that I would rather vote for the augmentation than the reduction of the army. When returning to my country from its foreign service, and looking at this question, it appeared to me that the maximum was twenty thousand, the minimum ten thousand of the force we ought to retain. And I again say, that rather than reduce I would vote to increase the present force.

A standing army had been deemed necessary from the commencement of the government to the present time. The question was only as to the quantum of force, and not whether it should exist. No man who regards his political reputation would place himself before the people on a proposition for its absolute disbandment. He admitted a question as to quantum might be carried so far as to rise into a question of principle. If we were to propose to retain an army of thirty, or forty, or fifty thousand men, then truly the question would present itself, whether our rights were not in some danger from such a standing army; whether reliance was to be placed altogether on a standing army, or on that natural safe defense which, according to the habits of the country and the principles of our government, is considered the bulwark of our liberties. But between five and ten thousand men, or any number under ten thousand, it could not be a question of principle; for unless gentlemen were afraid of spectres, it was utterly impossible that any danger could be apprehended from ten thousand men dispersed on a frontier of many thousand miles; here twenty or thirty, there a hundred, and the largest amount, at Detroit, not exceeding a thin regiment. And yet, brave gentlemen—gentlemen who are not alarmed at hobgoblins—who can intrepidly vote even against taxes—are alarmed by a force of this extent! What, he asked, was the amount of the army in the time of Mr. Jefferson—a time, the orthodoxy of which had been so ostentatiously proclaimed? It was true when that gentleman came into power it was with a determination to retrench, as far as practicable. Under the full influence of these notions, in 1802, the bold step of wholly disbanding the army never was thought of. The military peace establishment was then fixed at about four thousand men. But, before Mr. Jefferson went out of power, what was done—that is, in April, 1808? In addition to the then existing peace establishment, eight regiments, amounting to between five and six thousand men, were authorized, making a total force precisely equal to the present peace establishment. It was true that all this force had never been actually enlisted and embodied; that the recruiting service had been suspended; and that at the commencement of the war we had far from this number; and we have not now actually ten thousand men—being at least two thousand deficient of that number. He adverted to what had been said on this and other occasions of Mr. Jefferson's not having seized the favorable moment for war, which was afforded by the attack on the *Chesapeake*. He had always entertained the opinion, he said, that Mr. Jefferson, on that occasion, took the correct, manly, and frank course, in saying to the British government, your officers have done this; it is an enormous aggression; do you approve the act? do you make it your cause, or not? That government did not sanction the act; it disclaimed it, and promptly, too; and although they, for a long time, withheld the due redress, it was ultimately tendered. If Mr. Jefferson had used his power to carry the country into a war at that period, it might have been supported by public opinion, during the moment of

fever, but it would soon abate, and the people would begin to ask, why this war had been made without understanding whether the British government avowed the conduct of its officers, and so forth. If the threatening aspect of our relations with England had entered into the consideration which had caused the increase of the army at that time, there were considerations equally strong at this time, with our augmented population, for retaining our present force. If, however, there were no threatenings from any quarter; if the relative force of European nations, and the general balance of power existing before the French Revolution were restored; if South America had not made the attempt, in which he trusted in God she would succeed, to achieve her independence; if our affairs with Spain were settled, he would repeat, that ten thousand men would not be too great a force for the necessities of the country, and with a view to future emergences.

He had taken the liberty, the other day, to make some observations which he might now repeat as furnishing auxiliary considerations for adopting a course of prudence and precaution. He had then said, that our affairs with Spain were not settled; that the Spanish minister was reported to have made some inadmissible demands of our government. The fact turned out as he had presented it. It appeared that what was then rumor was now a fact; and Spain had taken the ground, not only that there must be a discussion of our title to that part of Louisiana, formerly called West Florida (which it might be doubted whether it ought to take place), but had required that we must surrender the territory first, and discuss the right to it afterward. Besides this unsettled state of our relations with Spain, he said, there were other rumors, and he wished to God we had the same means of ascertaining their correctness as we had found of ascertaining the truth of the rumor just noticed: it was rumored that the Spanish province of Florida had been ceded, with all her pretensions, to Great Britain. Would gentlemen tell him, then, that this was a time when any statesman would pursue the hazardous policy of disarming entirely, of quietly smoking our pipes by our firesides regardless of impending danger? It might be a palatable doctrine to some, but he was persuaded was condemned by the rules of conduct in private life, by those maxims of sound precaution by which individuals would regulate their private affairs. He did not here mean to take up the question in relation to South America. Still it was impossible not to see that, in the progress of things, we might be called on to decide the question, whether we would or would not lend them our aid. This opinion he boldly declared, and he entertained it, not in any pursuit of vain glory, but from a deliberate conviction of its being conformable to the best interests of the country; that having a proper understanding with foreign powers—that understanding which prudence and a just precaution recommended—it would undoubtedly be good policy to take part with the patriots of South America. He believed it could be shown that, on the strictest principles of public law, we have

a right to take part with them, that it is to our interest to take part with them, and that our interposition in their favor would be effectual. But he confessed, with infinite regret, that he saw a supineness on this interesting subject throughout our country, which left him almost without hope that what he believed the correct policy of the country would be pursued. He considered the release of any part of America from the dominion of the Old World as adding to the general security of the New. He could not contemplate the exertions of the people of South America without wishing that they might triumph, and nobly triumph. He believed the cause of humanity would be promoted by the interposition of any foreign power which should terminate the contest between the friends and enemies of independence in that quarter, for a more bloody and cruel war never had been carried on since the days of Adam, than that which is now raging in South America; in which not the least regard is paid to the laws of war, to the rights of capitulation, to the rights of prisoners, nor even to the rights of kindred. I do not offer these views expecting to influence the opinions of others; they are opinions of my own. But, on the question of general policy, whether or not we shall interfere in the war in South America, it may turn out that, whether we will or will not choose to interfere in their behalf, we shall be drawn into the contest in the course of its progress. Among other demands by the minister of Spain is the exclusion of the flag of Buenos Ayres, and other parts of South America from our ports. Our government has taken a ground on this subject, of which I think no gentleman can disapprove—that all parties shall be admitted and hospitably treated in our ports, provided they conform to our laws while among us. What course Spain may take on this subject it was impossible now to say. Although I would not urge this as an argument for increasing our force, I would place it among those considerations which ought to have weight, with every enlightened mind, in determining upon the propriety of its reduction. It is asserted that Great Britain has strengthened and is strengthening herself in the provinces adjoining us. Is this a moment when, in prudence, we ought to disarm? No, sir. Preserve your existing force. It would be extreme indiscretion to lessen it.

Mr. Clay here made some observations, to show that a reduction of the army to from four to five thousand men, as had been suggested, would not occasion such a diminution of expense as to authorize the rejection of the report, or any essential alteration in the amount of revenue, which the system proposes to raise from internal taxes, and his colleague (Mr. M'Kee) appeared equally hostile to all of them. Having, however, shown that we can not in safety reduce the army, he would leave the details of the report in the abler hands of the honorable chairman (Mr. Lowndes), who, he had no doubt, could demonstrate, that with all the retrenchments which had been recommended, the government would be bankrupt in less than three years, if most of these taxes were not continued. He would now hasten to that

conclusion, at which the committee could not regret more than he did, that he had not long since arrived.

As to the attitude in which this country should be placed, the duty of Congress could not be mistaken. My policy is to preserve the present force, naval and military; to provide for the augmentation of the navy; and, if the danger of war should increase, to increase the army also. Arm the militia, and give it the most effective character of which it is susceptible. Provide in the most ample manner, and place in proper dépôts, all the munitions and instruments of war. Fortify and strengthen the weak and vulnerable points indicated by experience. Construct military roads and canals, particularly from the Miami of the Ohio to the Miami of Erie; from the Sciota to the bay of Sandusky; from the Hudson to Ontario; that the facilities of transportation may exist, of the men and means of the country, to points where they may be wanted. I would employ on this subject a part of the army, which should also be employed on our line of frontier, territorial and maritime, in strengthening the works of defense. I would provide steam batteries for the Mississippi, for Borgne and Ponchartrain, and for the Chesapeake, and for any part of the North or East, where they might be beneficially employed. In short, I would act seriously, effectively act, on the principle, that in peace we ought to prepare for war; for I repeat, again and again, that, in spite of all the prudence exerted by the government, and the forbearance of others, the hour of trial will come. These halcyon days of peace, this calm will yield to the storm of war, and when that comes, I am for being prepared to breast it. Has not the government been reproached for the want of preparation at the commencement of the late war? And yet the same gentlemen who utter these reproaches, instead of taking counsel from experience, would leave the country in an unprepared condition.

He would as earnestly commence the great work, too long delayed, of internal improvement. He desired to see a chain of turnpike roads and canals, from Passamaquoddy to New Orleans; and other similar roads intersecting the mountains, to faciliate intercourse between all parts of the country, and to bind and connect us together. He would also effectually protect our manufactories. We had given, at least, an implied pledge to do so, by the course of administration. He would afford them protection, not so much for the sake of the manufacturers themselves, as for the general interest. We should thus have our wants supplied, when foreign resources are cut off, and we should also lay the basis of a system of taxation, to be resorted to when the revenue from imports is stopped by war. Such, Mr. Chairman, is a rapid sketch of the policy which it seems to me it becomes us to pursue. It is for you now to decide whether we shall draw wisdom from the past, or, neglecting the lessons of recent experience, we shall go on headlong without foresight, meriting and receiving the reproaches of the community. I trust, sir, notwithstanding the unpromising appearances sometimes presenting themselves, during the present session

we shall yet do our duty. I appeal to the friends around me, with whom I have been associated for years in public life; who nobly, manfully vindicated the national character by a war, waged by a young people, unskilled in arms, single-handed, against a veteran power—a war which the nation has emerged from, covered with laurels; let us now do something to ameliorate the internal condition of the country; let us show that objects of domestic, no less than those of foreign policy, receive our attention; let us fulfill the just expectations of the public, whose eyes are anxiously directed toward this session of Congress; let us, by a liberal and enlightened policy, entitle ourselves, upon our return home, to that best of all rewards, the grateful exclamation, "Well done, thou good and faithful servant."

ON THE BILL FOR ENFORCING NEUTRALITY.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 24, 1817.

[THIS short speech is chiefly remarkable as Mr. Clay's *début* for the independence of the American Spanish Colonies. The object of the bill before Congress was to prevent the building of armed vessels in our ports, and selling them to the South American States, which were then striving for independence. It was contended that this was a violation of our neutrality in relation to the parties in contest. Mr. Clay's sympathies were powerfully enlisted for these oppressed colonies of Spain, and although he would not advocate a violation of neutrality, he contended that our people had as good a right to build armed vessels to order, as to engage in any other foreign trade, and we were not responsible for the use that might be made of them. Such seems to have been the practice of our people from that time to this. It must be confessed, however, that this is not a perfectly clear question. If Mr. Clay's sympathies ever overpowered his judgment in pleading the cause of the oppressed, this, perhaps, was an instance. His heart, certainly, was in the right place.]

MR. CLAY (in Committee of the Whole), said: As long as the government abstained from taking any part in the contest now carrying on in the southern part of this continent, it was unquestionably its duty to maintain a strict neutrality. On that point there was and could be no difference of opinion. It ought not, however, to be overlooked, that the two parties stood with this government on unequal ground. One of them had an accredited minister here, to watch over its interests, and to remonstrate against any acts of which it might complain; while the other, being wholly unrepresented, had no organ through which to communicate its grievances. This inequality of condition in the contending parties, imposed upon us the duty of great circumspection and prudence in what we might do.

Whenever a war exists, whether between two independent states or between parts of a common empire, he knew of but two relations in which other powers could stand toward the belligerents; the one was that of neutrality, and the other that of a belligerent.

Being then in a state of neutrality respecting the contest, and bound to maintain it, the question was, whether the provisions of the bill were necessary to the performance of that duty? It will be recollected that we have an existing law, directed against armaments, such as are described in the bill. That law was passed in 1794. It was intended to preserve our neutrality in the contest between France and her enemies. The circumstances under which it was passed, must be yet fresh in our recollection. The French revolution had excited a universal enthusiasm in the cause of liberty. The flame reached this country, and spread with electric rapidity throughout the continent. There was not a State, county, city or village, exempted from it. An ardent disposition to enter into the conflict, on the side of France, was everywhere felt. General Washington thought it the interest of this country to remain neutral, and the law of 1794 was enacted, to restrain our citizens from taking part in the contest. If that law had been effectual to preserve the neutrality of this country, during the stormy period of the French revolution, we ought to pause before we assent to the adoption of new penalties and provisions. If the law did not reach the case (which he understood to be doubtful from some judicial decisions), he was willing to legislate so far as to make it comprehend it. Further than that, as at present advised, he was not willing to go.

But the present bill not only went further, but, in his judgment, contained provisions not demanded of us by our neutral duties. It contained two principles not embraced by the law of 1794. The first was, the requisition of a bond from the owners of armed vessels, that persons, to whom they might sell these vessels, should not use them in the contest. The second was, the power vested in the collectors to seize and detain, under certain circumstances, any such vessels. Now, with regard to the first provision, it is not denied that an armed vessel may be lawfully sold by an American citizen to a foreign subject, other than a subject of Spain. But on what ground is it possible, then, to maintain, that it is the duty of the American citizen to become responsible for the subsequent use which may be made of such vessel by the foreign subject? We are bound to take care that our own citizens do not violate our neutrality, but we are under no such obligation as it respects the subjects of foreign powers. It is the business of those foreign powers to guard the conduct of their own subjects. If it be true, as he heard it asserted, that Fell's Point exhibits an activity in hostile preparation, not surpassed during the late war, we had enough to do with our own citizens. It was not incumbent upon us, as a neutral power, to provide, after a legal sale had been made of an armed vessel to a foreign subject, against any illegal use of the vessel.

Gentlemen have contended, that this bill ought to be considered as intended merely to enforce our own laws; as a municipal regulation, having no relation to the war now existing. It was impossible to deceive ourselves, as to the true character of the measure. Bestow on it what denomination you please, disguise it as you may, it is a law, and will be under-

stood by the whole world as a law, to discountenance any aid being given to the South American colonies in a state of revolution against the parent country. With respect to the nature of that struggle, he had now, for the first time, to express his opinion and his wishes. An honorable gentleman from Virginia (Mr. Sheffey) had said, the people of South America were incapable, from the ignorance and superstition which prevail among them, of achieving independence or enjoying liberty. And to what cause is that ignorance and superstition owing? Was it not to the vices of their government? to the tyranny and oppression, hierarchical and political, under which they groaned? If Spain succeeded in riveting their chains upon them, would not that ignorance and superstition be perpetuated? In the event of that success, he feared the time would never arrive, when the good wishes of the honorable gentleman from Virginia would be conciliated in behalf of that oppressed and suffering people. For his part, he wished their independence. It was the first step toward improving their condition. Let them have free government, if they be capable of enjoying it; but let them have, at all events, independence. Yes, from the inmost recesses of my soul, I wish them independence. I may be accused of an imprudent utterance of my feelings, on this occasion. I care not; when the independence, the happiness, the liberty of a whole people, is at stake, and that people our neighbors, our brethren, occupying a portion of the same continent, imitating our example, and participating of the same sympathies with ourselves, I will boldly avow my feelings and my wishes in their behalf, even at the hazard of such an imputation.

But, notwithstanding the feelings which he cherished on this subject, Mr. Clay admitted that it became us not to exhibit the spectacle of a people at war and a government at peace. We ought to perform our neutral duties, while we are neutral, without regard to the unredressed injuries inflicted upon us by old Spain on the one hand, or to the glorious object of the struggle of the South American patriots on the other. We ought to render strict justice, and no more. If the bill on the table was limited to that object, he would vote for it. But he thought it went further; that it assumed obligations which we were not bound to incur, and, thinking so, he could not, in its present shape, give to it his assent.

ON COMMERCIAL RESTRICTIONS WITH THE BRITISH WEST INDIES

IN THE HOUSE OF REPRESENTATIVES, JANUARY 30, 1817.

[A COMMERCIAL convention between Great Britain and the United States, had been so carelessly agreed to on our part, that Great Britain was able to prohibit our trade with her West India Islands, so far as that it should be exclusively carried on in her own bottoms; and this trade amounted to six millions of dollars annually, on each side—in all twelve millions. It was obviously unjust, in its operation, on the navigation of the United States, and threw us out, as carriers, of a foreign trade of six millions a-year. It became a profound study of American statesmen how to recover this obvious right, whether to impose heavy duties on our imports from the British West Indies, or to enact a total prohibition. The subject was much discussed in 1816, on a resolution; and came up again in 1817, in the shape of a bill, when Mr. Clay made the following speech in Committee of the Whole. The bill proposed "to prohibit all commercial intercourse with ports or places into or with which the vessels of the United States are not ordinarily permitted to enter or trade." Mr. Clay was in favor of the bill, first, because high duties on imports from these places, would be effectual only as they approximated to prohibition; and secondly, because we would still have the same trade through islands belonging to other powers, and have our share of the carrying; and this would bring Great Britain to terms. The bill, however, failed.]

MR. CLAY (in Committee of the Whole), said, that in one sentiment expressed by the gentleman from Georgia he most heartily concurred: that the measure contemplated by the bill, or by the proposed substitute, was the most important, as respected at least our foreign relations, that had come before Congress at this session, or would probably be brought before it for some years—a measure which, whatever fate attended it, ought to

attract the attention of honorable members of this House, and to which he hoped, before the final question on it, they would give the most mature consideration.

The importance of the question by no means depended simply on the value of the trade between this country and the colonies of Great Britain. But considering the question as it related merely to that trade, when the fact was stated, that it consisted of six millions of dollars imports, and of course a like amount of exports, it must be admitted the question was one of deep import, compared to any which at present presented itself to the attention of Congress. But, as was stated in the president's message, it was not solely important on account of the effect of the colonial system on that trade, but the fact was, that the exclusion from a participation in that navigation, essentially affected the trade between this country and the British European possessions, and, by the operation of the system, deprived us, in a great measure, of the benefits of the convention of commerce with Great Britain, which provided for the establishment of a perfect reciprocity of commerce between the United States and the British European possessions. Even if gentlemen were not disposed to do something to obtain for the navigation of this country a participation in the colonial trade, they ought to go so far as to place it on an equal footing as regarded the European trade. Some measure ought to be devised, by which the navigation of Great Britain should be prevented from enjoying peculiar advantages over us, in a trade wherein reciprocity had been solemnly promised by the convention to which he had alluded.

Let us, then, inquire into the character of the evil proposed to be remedied, and of the remedy that is offered. What is the evil? Great Britain says that the whole commerce between her colonies and the United States shall be carried on in British ships, absolutely excluding American ships from any participation in it. The most natural course of the exchange of commodities between nations might be thus defined: that each nation should carry its own products to market; that we should carry of our produce what we do not want, but they do, to British ports; and that they should bring what they do not want, but we do, to our ports. With this course, however, Great Britain was not satisfied. The next and perhaps the most equal and best mode of providing for the free and fair interchange of commodities, was to open the trade equally and reciprocally to both parties, to let each carry the commodities of both countries, in a fair competition. Great Britain was not, however, disposed to do this. She not only prohibited the carriage of her colonial commodities in our vessels; not only entirely engrossed the export trade from her colonies, but refused to allow us any participation, by conventional regulation or otherwise, in the trade to the colonies. The effect was, to deprive us of the advantages, in the augmentation of our commerce and increase of our seamen, which would result from the carriage of our own produce, to the amount of six millions of dollars annually.

With regard to the importance of encouraging our navigation, he said, he need not resort to argument. The question of the importance of a navy, to maintain and defend our rights, which had been some years ago a question of a theoretical nature, was no longer so; it was now a question of practical experience. All felt its importance and all acknowledged the expediency of cherishing, by all means in our power, that important branch of national defense.

Gentlemen alarmed themselves by the apprehension that the other party would view as inimical any regulations countervailing her colonial policy, and that the issue of this conflict of commercial regulations would be war. He believed in no such result. If an exclusion of the navigation and shipping of Great Britain from our ports be a measure of a hostile character, said Mr. Clay, Great Britain has set us the example; for she excludes our navigation and shipping from an extensive range of her ports. He considered this rather as a diplomatic than a hostile measure; but, if it were otherwise, she had set the example, which she could not complain if we followed.

But, said he, let us look to the fact. What would be the light in which Great Britain would view any such regulations as are proposed by the bill? The convention of London contains an express stipulation on the subject; and I will observe to gentlemen, that the clause which exempts the colonial trade from the second article of the convention, was introduced with the express view of retaining in our hands the right to countervail the British regulations in this respect. It was so understood by the framers of that convention. But we have later evidence than that which is furnished by the terms of the convention. The president, in his message at the opening of the session, says, that it is ascertained, "that the British government declines all negotiation on this subject; *with a disavowal*, however, of any disposition to view in an unfriendly light, whatever *countervailing regulations* the United States may oppose to the regulation of which they complain." Thus, then, we have evidence, both from the nature of the case, and from the express declarations of the British government, that it will not, because it can not, view in an unfriendly light any regulations which this government may find it expedient to adopt, to countervail their policy. Mr. Clay said, he did not think that the adoption of this policy on the part of Great Britain, ought to excite any hostile feeling toward her. She was not singular in this respect. Every country that has colonies in the West Indies, and which is not too weak to defend them, endeavored, he said, to appropriate to itself all the advantages of the trade with those colonies; and it would be found that the relaxation of the rigor of that system by one nation or another, was precisely graduated by the degree of ability to maintain their colonies in peace, and defend them in war. There was nothing in the regulations of Great Britain, which could be offensive, or possibly lead to war. They might be complained of as selfish or unfriendly, they certainly were the former. But Great Britain had a perfect right to

set the example before us; and the question was, whether the total exclusion of our ships from the colonial ports of Britain, was such a measure as we ought to fold our arms and submit to, without an effort to obtain some part of the trade which she had attempted to appropriate exclusively to herself?

Gentlemen had properly said, that this was a question which ought to be well weighed before decided. Whatever we do, it ought to be with a determination to adhere firmly to it. For, depend upon it, Great Britain will never lightly relax her policy.

The policy of Great Britain was deeply laid in selfish considerations; a policy which she had never relaxed, except in periods of war, when it became her interest to do so, from the commencement of her colonies to this time. The measure which we address to her interest, to induce her to relax from the rigor of her colonial policy, should be a measure framed with ample deliberation, which, when we adopt with resolution, we will maintain with fortitude. For, the first conclusion of the British government would undoubtedly be, that the American government would be incapable of maintaining its regulations for any length of time; and that government in the expectation of a retraction of the measure, would persevere in its policy as long as it could.

The question which presents itself, then, is, whether we will adopt measures to induce a relaxation so desirable to our interest?

What ought to be done, if any thing is? There were two propositions before the House, and the question now was, on substituting high duties for the prohibitory system. He preferred the prohibition; and if any gentleman would candidly compare the merits of the two proposed remedies, he would find that the whole value of the remedy, by the imposition of duties, was derived from its approximation to prohibition.

Suppose the measure of prohibition be adopted, what would be its effect? In the opinion of Mr. Clay, a mere change in the direction of the trade. St. Domingo would be opened to us, St. Thomas, Vera Cruz, and possibly St. Bartholomews, and other islands and ports. But, if not one port should be open, the necessity Great Britain would be under, to obtain supplies for her colonies, would dictate the expediency of opening some port at which an interchange of commodities could take place. If this operation took place, all that is proposed to be effected by the bill is accomplished, by the participation of our navigation in the transportation of the articles thus exchanged. Our ships will have obtained an employment, in carrying our products to that entrepot, and bringing return cargoes, of the same amount they would have now, if American, instead of British ships, wholly engrossed the trade. There might, in the case supposed, be some little increase in the cost of the articles, but so inconsiderable, as not to amount to any offset to the great advantages accruing to this country, from the employment of its tonnage.

The present moment Mr. Clay considered as particularly propitious to the adoption of this regulation; because, as regarded the great direct trade between the United States and British ports in Europe, that was reg-

uiated and unalterable for nearly three years. It stood on the footing of convention; and we should not, by any regulation adopted in regard to the colonial trade, put to hazard the advantages in the other, at least until that convention expired.

Regarding this regulation in another view, he anticipated beneficial effects from it. In consequence of the weakness of some of the powers of Europe in their maritime force, they had found it convenient to open ports to us, which were formerly shut, and we could thence draw our supplies, thus effecting a mere change in the channel of supply with the advantage of the employment of our own navigation, as already stated. South America, besides, would be open to us; and we could there obtain a large portion of the commodities we import from the West Indies, except, perhaps, the article of rum. Whether that could be obtained there or not, he did not know. Sugar might be obtained, in quantity, from Louisiana, where the product of that article increased every year. Georgia, and a portion of South Carolina, too, had turned their attention to that object; and the effect of this measure would be, to encourage the cultivation of that article. With respect to the article of spirits, if its importation were totally cut off, he thought it would be a benefit. He believed, he said, that America was the only country that imported as great a quantity of spirituous liquors; every other country he was acquainted with, used more of its own manufacture.

I think that the suffering of the navigating interest, to which the attention of Congress is attracted, is one which calls loudly on this body to do something to alleviate it. It is attributable greatly to the colonial system of Great Britain, though no doubt also greatly to the state of peace, and the consequent resumption of their navigation by the powers of Europe, who, during war, suspended a great proportion of it. Taking care of the interests of the nation, and guarding our commerce against the effect of foreign regulations, it becomes us to act on this subject. He should, he said, cheerfully give his assent, therefore, to the bill before the House; and should vote for it, but with reluctance, if the amendment proposed by Mr. Forsyth should succeed.

The great question was, the *modus operandi* of this bill, to use a favorite expression of a member of another body. Operating on the sympathy as well as the direct interest of the parent country, it would induce her to relax her system. Great Britain would find a greater interest in securing the amount of six millions of trade, necessary to support and cherish her colonies, than she would gain merely on the transportation of the articles of which that trade consists. That was the question on which the British people would be called on to decide; and he believed the effect of this measure would be such as to induce them to decide in favor of admitting us, on a footing of reciprocity, into the West India trade. If the British government did not take this course, it would have to wink at the formation of entrepots, by which the object proposed by the bill would be substantially accomplished.

ON INTERNAL IMPROVEMENT.

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 4, 1817.

[It was proposed by a bill introduced into the Fourteenth Congress, 1816–17, to set apart, as a fund for internal improvement, the bonus granted to the United States by the national bank, and the dividend accruing from the United States' shares in said bank; and the bill was passed by both Houses of Congress, but was, unexpectedly, vetoed by President Madison, on constitutional grounds. This veto proved the beginning of obstacles of this kind, interposed by Virginia abstractions, to many other similar measures, afterward brought forward by Mr. Clay and his associates, for internal improvement. It is remarkable that the Hon. John C. Calhoun was in company with Mr. Clay at this time, on this subject. So also on the Bank question in 1816, Mr. Calhoun himself, reported the Bank bill of that year, and advocated and voted for it. But the change which came over his dreams after that, is very notorious, both as regards a national bank and internal improvements. The following short speech of Mr. Clay is among his first efforts in this great cause. The Cumberland road was already on its way to the great West, and Mr. Clay, as will be seen, contemplated a similar enterprise along the Atlantic coast, from Maine to Georgia. It is well enough, perhaps, that it was never undertaken, as our modern railway system has superseded its necessity. But the project, as announced, illustrates the genius, as well as the patriotic zeal, of Mr. Clay. He was right in his grand conception, though the mode of its accomplishment could not then be foreseen.]

Mr. Clay (in Committee of the Whole) observed, that it was not his intention to enter into the general discussion of the subject; he wished only to say, that he had long thought that there were no two subjects which could engage the attention of the national Legislature, more worthy of its deliberate consideration, than those of internal improvements and domestic manufactures.

As to the constitutional point which had been made, he had not a doubt on his mind; but it was not necessary, in his judgment, to embarrass the passage of the bill with the argument of that point at this time. It was a sufficient answer to say, that the power was not now to be exercised. It was proposed merely to designate the fund, and from time to time, as the proceeds of it came in, to invest them in the funded debt of the United States. It would thus be accumulating; and Congress could, at some future day, examine into the constitutionality of the question, and if it has the power, it would exercise it; if it has not, the Constitution, there could be very little doubt, would be so amended as to confer it. It was quite obvious, however, that Congress might so direct the application of the fund, as not to interfere with the jurisdiction of the several States, and thus avoid the difficulty which had been started. It might distribute it among those objects of private enterprise which called for national patronage in the form of subscriptions to the capital stock of incorporated companies, such as that of the Delaware and Chesapeake canal, and other similar institutions. Perhaps that might be the best way to employ the fund; but, he repeated, this was not the time to go into their inquiry.

With regard to the general importance of the proposition, the effect of internal improvements in cementing the Union; in facilitating internal trade; in augmenting the wealth and the population of the country; he would not consume the time of the committee in discussing those interesting topics, after the able manner in which they had been treated by his friend from South Carolina. In reply to those who thought that internal improvements had better be left to the several States, he would ask, he would put it to the candor of every one, if there were not various objects in which many States were interested, and which, requiring therefore their joint co-operation would, if not taken up by the general government, be neglected, either for the want of resources, or from the difficulty of regulating their respective contributions. Such was the case with the improvement of the navigation of the Ohio at the rapids; the canal from the Hudson to the Lakes; the great turnpike road, parallel with the coast from Maine to Louisiana. These, and similar objects, were stamped with a national character, and they required the wisdom and the resources of the nation to accomplish them. No particular, State felt an individual interest sufficient to execute improvements of such magnitude. They must be patronized, efficaciously patronized, by the general government, or they never would be accomplished.

The practical effect of turnpike roads in correcting the evil, if it be one, of the great expansion of our republic, and in conquering space itself, as was expressed by the gentleman from South Carolina, is about to be demonstrated by the great turnpike-road from Cumberland to Wheeling. That road is partially executed, and will probably be completed in about three years. In the mean time, Maryland is extending a line of turnpike-roads from Baltimore to Cumberland, which is also partially finished, and

will be completed in the same period. Three years from the present time we shall have a continued line of turnpike roads from Baltimore to Ohio. The ordinary time requisite to travel from Wheeling to Baltimore, prior to the erection of these roads, was eight days. When the roads are completed the same journey may be performed in three days. The distance, in effect, between these two points, will be diminished in the proportion of five eighths, or, in other words, they will be brought five days nearer to each other. Similar results will follow wherever this species of improvement is effected.

Mr. Clay owned that he felt anxiously desirous for the success of this measure. He was anxious, from its intrinsic merits; from his sincere conviction of its tendency greatly to promote the welfare of our common country. He was anxious from other, perhaps more selfish considerations. He wished the Fourteenth Congress to have the merit of laying the foundations of this great work. He wished this Congress who, in his opinion, had so many other just grounds for the national approbation, notwithstanding the obloquy which had attended a single unfortunate measure, to add this new claim to the public gratitude.

ON THE WAR BETWEEN SPAIN AND HER COLONIES.

IN THE HOUSE OF REPRESENTATIVES, DECEMBER 3, 1817.

[PRESIDENT MONROE, in his opening Message to the Fifteenth Congress, 1817, had noticed, among other topics, the obligations of neutrality on the part of the United States toward Spain and her American Colonies. The first resolution in answer to the President's Message, brought forward in Committee of the Whole, related to this subject; and Mr. Clay moved and supported the following amendment: "And that the said Committee be instructed to inquire whether any, and if any, what, provisions of law are necessary to insure to the American Colonies of Spain, a just observance of the duties incidental to the neutral relation in which the United States stand in the existing war between them and Spain." It would seem that the courts of the United States had been employed by the agents of Spain to annoy the officers and agents of the Spanish Colonies when found within the jurisdiction of the United States, which was obviously a violation of neutrality between the two belligerent parties. Mr. Clay desired, at least, that both parties should be treated alike, and that Spain should have no advantage in our courts over the officers and agents of her rebellious provinces. If, therefore, our laws were defective, in reference to this object, he wished to have them amended. Mr. Clay's sympathies were on the side of the Colonies; but he asked nothing for them but justice. He wished them to be recognized as a belligerent party, to whom we were under the same obligations as to Spain, in the observance of neutrality. Hence the speech given below.]

MR. CLAY (in Committee of the Whole) said, that his presenting, at so early a period of the session, this subject to the consideration of the House was in consequence of certain proceedings which he had seen represented in the public prints as having taken place before certain of our

courts of justice. Two or three cases bearing on this subject had come to his knowledge, which he wished to state to the House. The first had occurred at Philadelphia, before the circuit court of the United States held in that city. The circumstances of the case, for which, however, he did not pretend to vouch, having received them through the channel already indicated, were these: if they were incorrectly stated, he was happy that a gentleman had taken his seat this morning from that city who would be able to correct him; that nine or ten British disbanded officers had formed in Europe the resolution to unite themselves with the Spanish patriots in the contest existing between them and Spain; that to carry into effect this intention they had sailed from Europe, and in their transit to South America had touched at the port of Philadelphia; that during their residence in Philadelphia, wearing, perhaps, the arms and habiliments of military men, making no disguise of their intention to participate in the struggle, they took passage in a vessel bound to some port in South America; that a knowledge of this fact having come to the ears of the public authorities, or, perhaps, at the instigation of some agent of the Spanish government, a prosecution was commenced against these officers, who, from their inability to procure bail, were confined in prison. If, said Mr. Clay, the circumstances attending this transaction be correctly stated, it becomes an imperious duty in the House to institute the inquiry contemplated by the amendment which I have proposed. That this was an extraordinary case was demonstrated by the fact of the general sensation which it had excited on the subject in the place where it had occurred. Filled, as that respectable and populous city is, with men who differ widely on political topics, and entertaining various views of public affairs, but one sentiment prevailed on this subject, which was favorable to the persons thus arraigned. With regard to the conduct of the court on this occasion he would say nothing. The respect which, while he had a seat on this floor, he should always show to every branch of the government, the respect he entertained for the honorable judge who had presided, forbade him from pronouncing the decision of that court to have been unwarranted by law. But he felt himself perfectly sustained in saying, that if the proceeding was warranted by the existing law, it was the imperious duty of Congress to alter the law in this respect. For what, he asked, was the neutral obligation which one nation owed to another engaged in war? The essence of it is this: that the belligerent means of the neutral shall not be employed in the war in favor of either of the parties. That is the whole of the obligation of a third party in a war between two others; it certainly does not require of one nation to restrain the belligerent means of other nations. If those nations choose to permit their means to be employed in behalf of either party, it is their business to look to it, and not ours. Let the conduct of the persons prosecuted be regarded in the most unfavorable light; let it be considered as the passage of troops through our country, and there was nothing in our neutral obligations

forbidding it. The passage of troops through a neutral country, according to his impressions, was a question depending on the particular interest, quiet, or repose of the country traversed, and might be granted or refused at its discretion, without in any degree affecting the obligation of the neutral to either parties engaged in the controversy. But, surely, this was not a case of the passage of troops; the persons apprehended not being sufficient in number, nor organized or equipped in such a manner as, under any construction, to constitute a military corps. On this case he would detain the committee no longer, he said, for he was satisfied they could not but agree with him, if the law justified the proceeding that had taken place, that law ought to be immediately amended. Other cases had occurred in which, it appeared to him, it became the Congress to interpose its authority. Persons sailing under the flag of the provinces had been arraigned in our courts, and tried for piracy; in one case, after having been arraigned, tried, and acquitted of piracy, the same individuals, on the instigation of a Spanish officer or agent, had been again arraigned for the same offense. The gentleman from Massachusetts would correct him if he was wrong, for the case had occurred in the town of Boston.

We admit the flag of these colonies into our ports; we profess to be neutral; but if our laws pronounce, that the moment the property and persons under that flag enter our ports, they shall be seized, the one claimed by the Spanish minister or consul as the property of Spain, and the other prosecuted as pirates, that law ought to be altered, if we mean to perform our neutral professions. I have brought this subject before this committee thus promptly, because I trust that *here* the cause will find justice; that, however treated elsewhere, on this floor will be found a guardian interest attending to our performance of the just obligations of neutrality. Hitherto, he said, whatever might have been our intentions, our acts had been all on the other side. From the proclamation of 1815, issued to terminate an expedition supposed to be organizing in Louisiana, an expedition only in the mind of Chevalier de Onis, down to the late act—whether the measure was a proper one or not, he did not say; his confidence in the executive led him to suppose it was adopted on sufficient grounds—down to the order for suppressing, as it was called, the establishments at Amelia Island and Galveston—all the acts of the government had been on one side; they all bore against the colonies, against the cause in which the patriots of South America were arduously engaged. It became us, he said, to look to the other side, honestly intending neutrality, as he believed we did. Let us recollect the condition of the patriots; no minister here to spur on our government, as was said in an interesting, and, it appeared to him, a very candid work, recently published in this country, respecting the progress of the South American Revolution; no minister here to be rewarded by noble honors, in consequence of the influence he is supposed to possess with the American government. No; their unfortunate case was what ours had been, in the years 1778 and 1779; their ministers, like our

Franklins and Jays at that day, were skulking about Europe, imploring inexorable legitimacy for one kind look—some aid to terminate a war afflicting to humanity. Nay, their situation was worse than ours; for we had one great and magnanimous ally to recognize us, but no nation had stepped forward to acknowledge any of these provinces. Such disparity between the parties, demanded a just attention to the interests of the party which was unrepresented; and if the facts which he had mentioned, and others which had come to his knowledge, were correct, they loudly demanded the interposition of Congress. He trusted the House would give the subject their attention, and show that here, in this place, the obligations of neutrality would be strictly regarded in respect to South America.

[The amendment moved by Mr. Clay was agreed to, without opposition].

ON INTERNAL IMPROVEMENT.

IN THE HOUSE OF REPRESENTATIVES, MARCH 13, 1818.

[For sound, irrefragable, irresistible argument, the following is one of Mr. Clay's great speeches, characterized, in a high degree, with his peculiar style of eloquence. It is always understood, that Mr. Clay must have been heard to be fully appreciated. The eloquence of his manner and voice, when thoroughly roused, was always an ineffable charm. The tug of war for internal improvements, had now arrived; and the constitutional question was fairly brought into the arena, by the highest authority—to wit, that of Mr. Jefferson, Mr. Madison, and Mr. Monroe. Mr. Jefferson had expressed himself adverse to the power, before he retired from public life; and as we have seen, Mr. Madison had vetoed a bill for internal improvement the day before the expiration of his term of office, notwithstanding that in his opening message to that session of Congress, he had recommended action on the subject. Mr. Monroe—who succeeded Mr. Madison, on the 4th of March, 1817—took the opportunity, at the opening of the first session of the Fifteenth Congress, gratuitously to declare in his Message, that he had adopted Mr. Madison's opinion on this question. Nevertheless, each of these three authorities recommended an alteration in the Constitution, conferring this power, which, they acknowledged, was so much needed. But an amendment of the Constitution was apparently out of the question. The only open path, against such authority and the declared opinion of the incumbent of the executive chair, seemed to be, to obtain the sense of Congress, on this question by a resolution. Accordingly a resolution was offered in the House of Representatives, asserting the power of Congress, under the Constitution, to construct military roads, post roads, and canals, in support of which the following speech was delivered by Mr. Clay. The resolution was carried by the decisive majority of ninety against seventy-five, a signal triumph over the

authorities arrayed against it. Though others participated in the debate, on the same side with Mr. Clay, his argument had, doubtless, an irresistible influence. It is impossible to read it without feeling that such must have been its power. First, he encounters the argument of his opponents in the committee, and leaves them little ground to stand upon. The manner in which they are made to enact their part is amusing. Mr. Jefferson's reasoning and course on this subject, are shown to be puerile; and as to Mr. Madison's veto, he killed his own bill; for he had virtually recommended it; and nothing could be more surprising to his friends and the public than his veto message. On Mr. Monroe's gratuity, in attempting, in his opening message, to foreclose all debate and action in Congress on this subject, Mr. Clay bestows a merited rebuke. Nothing could have been more improper. But Mr. Monroe had himself exercised these powers, and set the army to making military roads—all which Mr. Clay approved. But the terrible scathing which he gives Mr. Monroe for doing that very thing, as the executive officer of the government, which, he avers, Congress could not authorize to be done, was a caution against the practice of such inconsistency. Driven into such an uncomfortable corner, and lashed with such severity while there—the severity of sarcasm only—Mr. Monroe's position could hardly have failed to excite commiseration, at the same time that it afforded an inexhaustible fund of amusement. Mr. Monroe was an excellent man and a popular president; but he made a grand mistake in this matter. It is remarkable that the first difficulties thrown in the way of internal improvements, were from three Virginia presidents, alias, three Virginia abstractions. If they could always be served as Mr. Clay served these, it might be well for the country.]

I HAVE been anxious, said Mr. Clay, (in Committee of the Whole), to catch the eye of the chairman for a few moments, to reply to some of the observations which have fallen from various gentlemen. I am aware that, in doing this, I risk the loss of what is of the utmost value—the kind favor of the House, wearied as its patience is, by this prolonged debate. But when I feel what a deep interest the Union at large, and particularly that quarter of it whence I come, has, in the decision of the present question, I can not omit any opportunity of earnestly urging upon the House the propriety of retaining the important power which this question involves. It will be recollected, that if unfortunately there should be a majority both against the abstract proposition asserting the power, and against its prac-

tical execution, the power is gone forever—the question is put at rest, so long as the Constitution remains as it is; and with respect to any amendment, in this particular, I confess I utterly despair. It will be borne in mind, that the bill which passed Congress on this subject, at the last session, was rejected by the late president of the United States; that at the commencement of the present session, the president communicated his clear opinion, after every effort to come to a different conclusion, that Congress does not possess the power contended for, and called upon us to take up the subject, in the shape of an amendment to the Constitution; and, moreover, that the predecessor of the present and late presidents, has also intimated his opinion, that Congress does not possess the power. With the great weight and authority of the opinions of these distinguished men against the power, and with the fact, solemnly entered upon the record, that this House, after a deliberate review of the ground taken by it at the last session, has decided against the existence of it (if such, fatally, shall be the decision), the power, I repeat, is gone—gone forever, unless restored by an amendment of the Constitution. With regard to the practicability of obtaining such an amendment, I think it altogether out of the question. Two different descriptions of persons, entertaining sentiments directly opposed, will unite and defeat such an amendment; one embracing those who believe that the Constitution, fairly interpreted, already conveys the power; and the other, those who think that Congress has not and ought not to have it. As a large portion of Congress, and probably a majority, believes the power to exist, it must be evident, if I am right in supposing that any considerable number of that majority would vote against an amendment which they do not believe necessary, that any attempt to amend would fail. Considering, as I do, the existence of the power as of the first importance, not merely to the preservation of the Union of the States, paramount as that consideration ever should be over all others, but to the prosperity of every great interest of the country, agriculture, manufactures, commerce, in peace and in war, it becomes us solemnly, and deliberately, and anxiously, to examine the Constitution, and not to surrender it, if fairly to be collected from a just interpretation of that instrument.

With regard to the alarm sought to be created, as to the nature of the power, by bringing up the old theme of "State rights," I would observe that if the illustrious persons just referred to are against us in the construction of the Constitution, they are on our side as to the harmless and beneficial character of the power. For it is not to be conceived, that each of them would have recommended an amendment to the Constitution, if they believed that the possession of such a power, by the general government, would be detrimental, much less dangerous, to the independence and liberties of the States. What real ground is there for this alarm? Gentlemen have not condescended to show how the subversion of the rights of the States is to follow from the exercise of the power of internal improvements by the general government. We contend for the power to

make roads and canals, to distribute the intelligence, force, and productions of the country, through all its parts; and for such jurisdiction only over them, as is necessary to their preservation from wanton injury and from gradual decay. Suppose such a power is sustained and in full operation; imagine it to extend to every canal made, or proposed to be made, and to every post-road; how inconsiderable and insignificant is the power in a political point of view, limited as it is, with regard to place and to purpose, when contrasted with the great mass of powers retained by the State sovereignties! What a small subtraction from the mass! Even upon these roads and canals, the State governments, according to our principles, will still exercise jurisdiction over every possible case arising upon them, whether of crime or of contract, or any other human transaction, except only what immediately affects their existence and preservation. Thus defined, thus limited, and stripped of all factitious causes of alarm, I will appeal to the candor of gentleman to say, if the power really presents any thing frightful in it? With respect to post-roads, our adversaries admit the right of way in the general government. There have been, however, on this question, some instances of conflict, but they have passed away without any serious difficulty. Connecticut, if I have been rightly informed, disputed, at one period, the right of passage of the mail on the Sabbath. The general government persisted in the exercise of the right, and Connecticut herself, and every body else, have acquiesced in it.

The gentleman from Virginia (Mr. H. Nelson) has contended, that I do not adhere, in the principles of construction which I apply to the Constitution, to the republican doctrines of 1798, of which that gentleman would have us believe he is the constant disciple. Let me call the attention of the committee to the celebrated state paper to which we both refer for our principles in this respect—(a paper which, although I have not seen it for sixteen years until the gentleman had the politeness to furnish me with it during this debate, made such an impression on my mind, that I shall never forget the satisfaction with which I perused it.) I find that I have used, without having been aware of it, when I formerly addressed the committee, almost the same identical language employed by Mr. Madison in that paper. It will be recollected, that I claimed no right to exercise any power under the Constitution, unless such power was expressly granted, or necessary and proper to carry into effect some granted power. I have not sought to derive power from the clause which authorizes Congress to appropriate money. I have been contented with endeavoring to show, that according to the doctrines of 1798, and according to the most rigid interpretation which any one will put upon the instrument, it is expressly given in one case, and fairly deducible in others.

It will be remarked, that Mr. Madison, in his reasoning on the Constitution, has not employed the language fashionable during this debate; he has not said, that an implied power must be *absolutely* necessary to carry into effect the specified power, to which it is appurtenant, to enable the

general government to exercise it. No. This was a modern interpretation of the Constitution. Mr. Madison has employed the language of the instrument itself, and has only contended that the implied power must be necessary and proper to carry into effect the specified power. He has only insisted, that when Congress applied its sound judgment to the Constitution in relation to implied powers, it should be clearly seen that they were necessary and proper to effectuate the specified powers. These are my principles; but they are not those of the gentleman from Virginia and his friends on this occasion. They contend for a degree of necessity absolute and indispensable; that by no possibility can the power be otherwise executed.

That there are two classes of powers in the Constitution, I believe has never been controverted by an American statesman. We can not foresee and provide specifically for all contingencies. Man and his language are both imperfect. Hence the existence of construction, and of constructive powers. Hence also the rule that a grant of the end is a grant of the means. If you amend the Constitution a thousand times, the same imperfection of our nature and our language will attend our new works. There are two dangers to which we are exposed. The one is, that the general government may relapse into the debility which existed in the old confederation, and finally disolve from the want of cohesion. The denial to it of powers plainly conferred, or clearly necessary and proper to execute the conferred powers, may produce this effect. And I think, with great deference to the gentlemen on the other side, this is the danger to which their principles directly tend. The other danger, that of consolidation, is, by the assumption of powers not granted, nor incident to granted powers, or the assumption of powers which have been withheld or expressly prohibited This was the danger of the period of 1798–9. For instance, that, in direct contradictien to a prohibitory clause of the Constitution, a sedition act was passed; and an alien law was also passed, in equal violation of the spirit, if not of the express provisions, of the Constitution. It was by such measures that the federal party (if parties might be named), throwing off the vail, furnished to their adversaries the most effectual ground of opposition. If they had not passed those acts, I think it highly probable that the current of power would have continued to flow in the same channel; and the change of parties in 1801, so auspicious to the best interests of the country, as I believe, would never have occurred.

I beg the committee — I entreat the true friends of the confederated union of these States — to examine this doctrine of State rights, and to see to what abusive, if not dangerous consequences, it may lead, to what extent it has been carried, and how it has varied by the same State at different times. In alluding to the State of Massachusetts, I assure the gentlemen from that State, and particularly the honorable chairman of the committee to whom the claim of Massachusetts has been referred, that I have no intention to create any prejudice against that claim. I hope that when the

subject is taken up it will be candidly and dispassionately considered, and that a decision will be made on it consistent with the rights of the Union, and of the State of Massachusetts. The high character, amiable disposition, and urbanity of the gentleman to whom I have alluded (Mr. Mason, of Massachusetts), will, if I had been otherwise inclined, prevent me from endeavoring to make impressions unfavorable, to the claim, whose justice that gentleman stands pledged to manifest. But in the period of 1798–9, what was the doctrine promulgated by Massachusetts? It was, that the States, in their sovereign capacity, had no right to examine into the constitutionality or expediency of the measures of the general government.

[Mr Clay here quoted several passages from the answer of the State of Massachusetts to the Virginia and Kentucky resolutions, concerning the alien and sedition laws, to prove his position.]

We see here an express disclaimer, on the part of Massachusetts, of any right to decide on the constitutionality or expediency of the general government. But what was the doctrine which the same State, in 1813, thought proper to proclaim to the world, and that, too, when the Union was menanced on all sides? She not only claimed but exercised the right which, in 1799, she had so solemnly disavowed. She claimed the right to judge of the propriety of the call made by the general government for her militia, and she refused the militia called for. There is so much plausibility in the reasoning employed by that State in support of her modern doctrine of State rights, that, were it not for the unpopularity of the stand she took in the late war, or had it been in other times, and under other circumstances, she would very probably have escaped a great portion of that odium which has so justly fallen to her lot. The Constitution gives to Congress power to provide for calling out the militia to execute the laws of the Union, to suppress insurrections, and to repel invasions; and in no other cases. The militia was called out by the general government during the late war, to repel invasions. Massachusetts said, as you have no right to the militia, but in certain contingencies, she was competent to decide whether those contingencies had or had not occurred. And, having examined the facts, what then? She said, all was peace and quietness in Massachusetts—no non-execution of the laws; no insurrection at home; no invasion from abroad, nor any immediate danger of invasion. And, in truth, I believe there was no actual invasion for nearly two years after the requisition. Under these circumstances, were it not for the supposed motive of her conduct, would not the case which Massachusetts made out have looked extremely plausible? I hope it is not necessary for me to say, that it is very far from my intention to convey any thing like approbation of the conduct of Massachusetts. No. My doctrine is, that the States, as States, have no right to oppose the execution of the powers which the general government asserts. Any State has undoubtedly the right to express its opinion, in the form of resolution or otherwise, and proceed, by constitu-

tional means, to redress any real or imaginary grievance; but it has no right to withhold its military aid, when called upon by the high authorities of the general government, much less to obstruct the execution of a law regularly passed. To suppose the existence of such an alarming right, is to suppose, if not disunion itself, such a state of disorder and confusion as must inevitably lead to it.

Greatly as I venerate the State which gave me birth, and much as I respect the judges of its Supreme Court, several of whom are my personal friends, I am obliged to think that some of the doctrines which that State has recently held concerning State rights, are fraught with much danger. If those doctrines had been asserted during the late war, a large share of the public disapprobation which has been given to Massachusetts would have fallen to Virginia. What are these doctrines? The courts of Virginia assert, that they have a right to determine on the constitutionality of any law or treaty of the United States, and to exponnd them according to their own views, even if they should vary from the decision of the Supreme Court of the United States. They assert more—that from their decision there can be no appeal to the Supreme Court of the United States; and that there exists in Congress no power to frame a law, obliging the court of the State, in the last resort, to submit its decision to the supervision of the Supreme Court of the United States; or, if I do not misunderstand the doctrine, to withdraw from the State tribunal, controversies involving the laws of the United States, and to place them before the federal judiciary. I am a friend, a true friend, to State rights; but not in all cases as they are asserted. The States have their appointed orbit; so has the Union; and each should be confined within its fair, legitimate, and constitutional sphere. We should equally avoid that subtle process of argument which dissipates into air the powers of this government, and that spirit of encroachment which would snatch from the State, powers not delegated to the general government. We shall thus escape both the dangers I have noticed—that of relapsing into the alarming weakness of the confederation, which is described as a mere rope of sand; and also that other, perhaps not the greatest danger, consolidation. No man deprecates more than I do, the idea of consolidation; yet, between separation and consolidation, painful as would be the alternative, I would greatly prefer the latter.

I will now proceed to endeavor to discover the real difference in the interpretation of the Constitution between the gentlemen on the other side and myself. It is agreed, that there is no power in the general government but that which is expressly granted, or which is impliable from an express grant. The difference, then, must be in the application of this rule. The gentleman from Virginia, who has favored the House with so able an argument on the subject, has conceded, though somewhat reluctantly, the existence of incidental powers, but he contended that they must have a direct and necessary relation to some specified power. Granted. But who is to judge of this relation? And what rule can you prescribe

different from that which the Constitution has required, that it should be necessary and proper? Whatever may be the rule, in whatever language you may choose to express it, there must be a certain degree of discretion left to the agent who is to apply it. But gentlemen are alarmed at this discretion—that law of tyrants, on which they contend there is no limitation. It should be observed, in the first place, that the gentlemen are brought, by the very course of reasoning which they themselves employ, by all the rules which they would lay down for the Constitution, to cases where discretion must exist. But is there no limitation, no security, against the abuse of it? Yes, there is such security in the fact of our being members of the same society, equally affected ourselves by the laws we promulgate. There is the further security in the oath which is taken to support the Constitution, and which will tend to restrain Congress from deriving powers which are not proper and necessary. There is the yet further security, that at the end of every two years, the members must be amenable to the people for the manner in which their trusts have been performed. And there remains also that further, though awful security, the last resort of society, which I contend belongs alike to the people and to the States in their sovereign capacity, to be exercised in extreme cases, and when oppression becomes intolerable, the right of resistance. Take the gentleman's own doctrine (Mr. Barbour), the most restricted which has been asserted, and what other securities have we against the abuse of power, than those which I have enumerated? Say that there must be an absolute necessity to justify the exercise of an implied power, who is to define that absolute necessity, and then to apply it? Who is to be the judge? Where is the security against transcending that limit? The rule the gentleman contends for has no greater security than that insisted upon by us. It equally leads to the same discretion, a sound discretion, exercised under all the responsibility of a solemn oath, of a regard to our fair fame, of a knowledge that we are ourselves the subjects of those laws which we pass, and, lastly, of the right of resisting insupportable tyranny. And, by way of illustration, if the sedition act had not been condemned by the indignant voice of the community, the right of resistance would have accrued. If Congress assumed the power to control the right of speech, and to assail, by penal statutes, the greatest of all the bulwarks of liberty, the freedom of the press, and there were no other means to arrest their progress but that to which I have referred, lamentable as would be the appeal, such a monstrous abuse of power, I contend, would authorize a recurrence to that right.

If, then, the gentlemen on the other side and myself differ so little in our general principles, as I think I have shown, I will proceed, for a few moments, to look at the Constitution a little more in detail. I have contended that the power to construct post-roads is expressly granted in the power to establish post-roads. If it be, there is an end of the controversy; but if not the next inquiry is, whether that power may be fairly deduced,

by implication, from any of the special grants of power. To show that the power is expressly granted, I might safely appeal to the arguments already used, to prove that the word *establish*, in this case, can mean only one thing—the right of making. Several gentlemen have contended that the word has a different sense; and one has resorted to the preamble of the Constitution, to show that the phrase "to establish justice," there used, does not convey the power of creation. If the word "establish" is there to be taken in the sense which gentlemen claim for it, that of adoption or designation, Congress could have a choice only of systems of justice pre-existing. Will any gentleman contend that we are obliged to take the Justinian code, the Napoleon code, the code of civil, or the code of common, or canon law? Establishment means in the preamble, as in other cases, construction, formation, creation. Let me ask, in all cases of crime, which are merely *malum prohibitum*, if you do not resort to construction, to creating, when you make the offense? By your laws denouncing certain acts as criminal offenses, laws which the good of society requires you to pass, and to adapt to our peculiar condition, you do construct and create a system of rules to be administered by the judiciary. But gentlemen say that the word can not mean *make;* that you would not say, for example, to establish a ship, to establish a chair. In the application of this, as of all other terms, you must be guided by the nature of the subject; and if it can not properly be used in all cases, it does not follow that it can not be in any. And when we take into consideration that, under the old articles of confederation, Congress had over the subject of post-roads just as much power as gentlemen allow to the existing government, that it was the general scope and spirit of the new Constitution to enlarge the powers of the general government, and that, in fact, in this very clause, the power to establish post-offices, which was alone possessed by the former government, I think I may safely consider the argument, on this part of the subject, as successfully maintained. With respect to military roads, the concession that they may be made when called for by the emergency, is admitting that the Constitution conveys the power. And we may safely appeal to the judgment of the candid and enlightened to decide between the wisdom of these two constructions, of which one requires you to wait for the exercise of your power until the arrival of an emergency, which may not allow you to exert it, and the other, without denying you the power, if you can exercise it during the emergency, claims the right of providing beforehand against the emergency.

One member has stated what appeared to him a conclusive argument against the power to cut canals, that he had understood that a proposition, made in the convention to insert such power, was rejected. To this argument more than one sufficient answer can be made. In the first place, the fact itself has been denied, and I have never yet seen any evidence of it. But suppose that the proposition had been made and overruled, unless the motives of the refusal to insert it are known, gentlemen are not authorized

to draw the inference that it was from hostility to the power, or from a desire to withhold it from Congress. May not one of the objections be, that the power was fairly to be inferred from some of the specific grants of power, and that it was therefore not necessary to insert the proposition? that to adopt it, indeed, might lead to weaken or bring into doubt other incidental powers not enumerated? A member from New York (Mr. Storrs), whose absence I regret on this occasion, not only on account of the great aid which might have been expected from him, but from the cause of that absence, has informed me that, in the convention of that State, one of the objections to the Constitution by the anti-federalists was, that it was understood to convey to the general government the power to cut canals. How often, in the course of the proceedings of this House, do we reject amendments upon the sole ground that they are not necessary, the principle of the amendment being already contained in the proposition?

I refer to the "Federalist," for one moment, to show that the only notice taken of that clause of the Constitution which relates to post-roads, is favorable to my construction. The power, that book says, must always be a harmless one. I have endeavored to show, not only that it is perfectly harmless, but that every exercise of it must be necessarily beneficial. Nothing which tends to facilitate intercourse among the States, says the "Federalist," can be unworthy of the public care. What intercourse? Even if restricted on the narrowest theory of gentlemen on the other side, to the intercourse of intelligence, they deny that to us, since they will not admit that we have the power to repair or improve the way, the right of which they yield us. In a more liberal and enlarged sense of the word, it will comprehend all those various means of accomplishing the object which are calculated to render us a homogeneous people—one in feeling, in interest, and affection; as we are one in our political relation.

Is there not a direct and intimate relation between the power to make war, and military roads and canals? It is in vain that the convention have confided to the general government the tremendous power of declaring war; have imposed upon it the duty to employ the whole physical means of the nation to render the war, whatever may be its character, successful and glorious; if the power is withheld of transporting and distributing those means. Let us appeal to facts, which are sometimes worth volumes of theory. We have recently had a war raging on all the four quarters of the Union. The only circumstance which gave me pain at the close of that war, the detention of Moose Island, would not have occurred, if we had possessed military roads. Why did not the Union, why did not Massachusetts, make a struggle to reconquer the island? Not for the want of men; not for the want of patriotism, I hope; but from the want of physical ability to march a force sufficient to dislodge the enemy. On the north-western frontier, millions of money, and some of the most precious blood of the State from which I have the honor to come, were waste-

fully expended for the want of such roads. My honorable friend from Ohio (General Harrison), who commanded the army in that quarter, could furnish a volume of evidence on this subject. What now paralyzes our arms on the southern frontier, and occasioned the recent massacre of fifty of our brave soldiers? What, but the want of proper means for the communication of intelligence, and for the transportation of our resources from point to point? Whether we refer to our own experience, or that of other countries, we can not fail to perceive the great value of military roads. Those great masters of the world, the Romans, how did they sustain their power so many centuries, diffusing law and liberty, and intelligence, all around them? They made permanent military roads; and among the objects of interest which Europe now presents are the remains of those Roman roads, which are shown to the curious inquirer. If there were no other monument remaining of the sagacity and of the illustrious deeds of the unfortunate captive of St. Helena, the internal improvements which he made, the road from Hamburg to Basle, would perpetuate his memory to future ages. In making these allusions, let me not be misunderstood. I do not desire to see military roads established for the purpose of conquest, but of defense; and as a part of that preparation which should be made in a season of peace for a season of war. I do not wish to see this country ever in that complete state of preparation for war for which some contend; that is, that we should constantly have a large standing army, well disciplined, and always ready to act. I want to see the bill reported by my friend from Ohio, or some other, embracing an effective militia system, passed into a law; and a chain of roads and canals, by the aid of which our physical means can be promptly transported to any required point. These, connected with a small military establishment to keep up our forts and garrisons, constitute the kind of preparation for war, which, it appears to me, this country ought to make. No man, who has paid the least attention to the operations of modern war, can have failed to remark how essential good roads and canals are to the success of those operations. How often have battles been won by celerity and rapidity of movement! It is one of the most essential circumstances in war. But, without good roads, it is impossible! Members will recall to their recollections the fact, that, in the Senate, several years ago, an honorable friend of mine (Mr. Bayard), whose premature death I shall ever deplore, who was an ornament to the councils of his country, and who, when abroad, was the able and fearless advocate of her rights, did, in supporting a subscription which he proposed the United States Bank should make to the stock of the Delaware and Chesapeake Canal Company, earnestly recommend the measure as connected with our operations in war. I listened to my friend with some incredulity, and thought he pushed his argument too far. I had, soon after, a practical evidence of its justness. For, in traveling from Philadelphia, in the fall of 1813, I saw transporting, from Elk river to the Delaware, large quantities of massy timbers for the con-

struction of the *Guerriere* or the *Franklin*, or both; and, judging from the number of wagons and horses, and the number of days employed, I believe the additional expense of that single operation would have gone very far to complete that canal, whose cause was espoused with so much eloquence in the Senate, and with so much effect, too; bills having passed that body more than once to give aid, in some shape or other, to that canal. With notorious facts like this, is it not obvious, that a line of military canals is not only necessary and proper, but almost indispensable to the war-making power?

One of the rules of construction which has been laid down, I acknowledge my incapacity to comprehend. Gentlemen say, that the power in question is a substantive power; and that no substantive power can be derived by implication. What is their definition of a substantive power? Will they favor us with the principle of discrimination between powers which, being substantive, are not grantable but by express grant, and those which, not being substantive, may be conveyed by implication? Although I do not perceive why this power is more entitled than many implied powers, to the denomination of substantive, suppose that be yielded, how do gentlemen prove that it may not be conveyed by implication? If the positions were maintained, which have not yet been proved, that the power is substantive, and that no substantive power can be implied, yet I trust it has been satisfactorily shown that there is an express grant. ....

My honorable friend from Virginia (Mr. Nelson), has denied the operation of executive influence on his mind; and has informed the committee, that from that quarter he has nothing to expect, to hope, or to fear. I did not impute to my honorable friend any such motive; I knew his independence of character and of mind too well to do so. But I entreat him to reflect, if he does not expose himself to such an imputation by those less friendly disposed toward him than myself. Let us look a little at facts. The president recommends the establishment of a bank. If ever there were a stretch of implied powers conveyed by the Constitution, it has been thought that the grant of the charter of the national bank was one. But the president recommends it. Where was then my honorable friend, the friend of State rights, who so pathetically calls upon us to repent, in sackcloth and ashes, our meditated violation of the Constitution; and who kindly expresses his hope, that we shall be made to feel the public indignation? Where was he at that awful epoch? Where was that eloquent tongue, which we have now heard with so much pleasure? Silent! Silent as the grave!

[Mr. Nelson said, across the House, that he had voted against the bank bill when first recommended.]

Alas! my honorable friend had not the heart to withstand a second recommendation from the president; but, when it came, yielded, no doubt

most reluctantly, to the executive wishes, and voted for the bank. At the last session of Congress, Mr. Madison recommended (and I will presently make some remarks on that subject) an exercise of all the existing powers of the general government, to establish a comprehensive system of internal improvements. Where was my honorable friend on that occasion? Not silent as the grave, but he gave a negative vote, almost as silent. No effort was made on his part, great as he is when he exerts the powers of his well-stored mind, to save the commonwealth from that greatest of all calamities, a system of internal improvement. No; although a war with all the allies, he now thinks, would be less terrible than the adoption of this report, not one word then dropped from his lips against the measure.

[Mr. Nelson said he voted against the bill.]

That he whispered out an unwilling negative, I do not deny; but it was unsustained by that torrent of eloquence which he has poured out on the present occasion. But we have an executive message now, not quite as ambiguous in its terms, nor as oracular in its meaning, as that of Mr. Madison appears to have been. No; the president now says, that he has made great efforts to vanquish his objections to the power, and that he can not but believe that it does not exist. Then my honorable friend rouses, thunders forth the danger in which the Constitution is, and sounds the tocsin of alarm. Far from insinuating that he is at all biased by the executive wishes, I appeal to his candor to say, if there is not a remarkable coincidence between his zeal and exertions, and the opinions of the chief magistrate?

Now let us review those opinions as communicated at different periods. It was the opinion of Mr. Jefferson, that, although there was no general power vested by the Constitution in Congress, to construct roads and canals, without the consent of the States, yet such a power might be exercised with their assent. Mr. Jefferson not only held this opinion in the abstract, but he practically executed it in the instance of the Cumberland road; and how? First, by a compact made with the State of Ohio, for the application of a specified fund, and then by compacts with Virginia, Pennsylvania, and Maryland, to apply the fund so set apart within their respective limits. If, however, I rightly understood my honorable friend the other day, he expressly denied (and in that I concur with him) that the power could be acquired by the mere consent of the State. Yet he defended the act of Mr. Jefferson, in the case referred to.

[Mr. Nelson expressed his dissent to this statement of his argument.]

It is far from my intention to misstate the gentleman. I certainly understood him to say, that, as the road was first stipulated for in the compact with Ohio, it was competent afterward to carry it through the States mentioned with their assent. Now, if we have not the right to make a

road in virtue of one compact made with a single State, can we obtain it by two contracts made with several States? The character of the fund can not affect the question. It is totally immaterial whether it arises from the sales of the public lands, or from the general revenue. Suppose a contract made with Massachusetts, that a certain portion of the revenue, collected at the port of Boston, from foreign trade, should be expended in making roads and canals leading to that State, and that a subsequent compact should be made with Connecticut or New Hampshire, for the expenditure of the fund on these objects, within their limits. Can we acquire the power, in this manner, over internal improvements, if we do not possess it independently of such compacts? I conceive, clearly not. And I am entirely at a loss to comprehend how gentlemen, consistently with their own principles, can justify the erection of the Cumberland road. No man is prouder than I am of that noble monument of the provident care of the nation, and of the public spirit of its projectors; and I trust that, in spite of all constitutional and other scruples, here or elsewhere, an appropriation will be made to complete that road. I confess, however, freely, that I am entirely unable to conceive of any principle on which that road can be supported, that would not uphold the general power contended for.

I will now examine the opinion of Mr. Madison. Of all the acts of that pure, virtuous, and illustrious statesman, whose administration has so powerfully tended to advance the glory, honor, and prosperity of this country, I must regret, for his sake and for the sake of the country, the rejection of the bill of the last session. I think it irreconcilable with Mr. Madison's own principles—those great, broad, and liberal principles, on which he so ably administered the government. And, sir, when I appeal to the members of the last Congress, who are now in my hearing, I am authorized to say, with regard to the majority of them, that no circumstances, not even an earthquake, that should have swallowed up one half of this city, could have excited more surprise than when it was first communicated to this House, that Mr. Madison had rejected his own bill—I say his own bill, for his message at the opening of the session meant nothing, if it did not recommend such an exercise of power as was contained in that bill. My friend, who is near me (Mr. Johnson, of Virginia), the operations of whose vigorous and independent mind, depend upon his own internal perceptions, has expressed himself with becoming manliness, and thrown aside the authority of names, as having no bearing with him on the question. But their authority has been referred to, and will have influence with others. It is impossible, moreover, to disguise the fact, that the question is now a question between the executive on the one side, and the representatives of the people on the other. So it is understood in the country, and such is the fact. Mr. Madison enjoys, in his retreat at Montpelier, the repose and the honors due to his eminent and laborious services; and I would be among the last to disturb it. However painful it is to me to animadvert upon any of his opinions, I feel perfectly sure that the circumstance can

only be viewed by him with an enlightened liberality. What are the opinions which have been expressed by Mr. Madison on this subject? I will not refer to all the messages wherein he has recommended internal improvements; but to that alone which he addressed to Congress, at the commencement of the last session, which contains this passage:

"I particularly invite *again* the attention of Congress to the expediency of exercising *their existing powers*, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to *effectuate a comprehensive system of roads and canals*, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity."

In the examination of this passage, two positions force themselves upon our attention. The first is, the assertion that there are existing powers in Congress to effectuate a comprehensive system of roads and canals, the effect of which would be to draw the different parts of the country more closely together. And I would candidly admit, in the second place, that it was intimated, that, in the exercise of those existing powers, some defect might be discovered which would render an amendment of the Constitution necessary. Nothing could be more clearly affirmed than the first position; but in the message of Mr. Madison returning the bill, passed in consequence of his recommendation, he has not specified a solitary case to which those existing powers are applicable; he has not told us what he meant by those existing powers; and the general scope of his reasoning, in that message, if well founded, proves that there are no existing powers whatever. It is apparent, that Mr. Madison himself has not examined some of those principal sources of the Constitution from which, during this debate, the power has been derived. I deeply regret, and I know that Mr. Madison regretted that the circumstances under which the bill was presented to him (the last day but one of a most busy session) deprived him of an opportunity of that thorough investigation of which no man is more capable. It is certain, that, taking his two messages at the same session together, they are perfectly irreconcilable. What, moreover, was the nature of that bill? It did not apply the money to any specific object of internal improvement, nor designate any particular mode in which it should be applied; but merely set apart and pledged the fund to the general purpose, subject to the future disposition of Congress. If, then, there were any supposable case whatever, to which Congress might apply money in the erection of a road, or cutting a canal, the bill did not violate the Constitution. And it ought not to be anticipated, that money constitutionally appropriated by one Congress would be unconstitutionally expended by another.

I come now to the message of Mr. Monroe; and if, by the communication of his opinion to Congress, he intended to prevent discussion, he has most wofully failed. I know that, according to a most venerable and ex-

cellent usage, the opinion, neither of the president or of the Senate, upon any proposition depending in this House, ought to be adverted to. Even in the Parliament of Great Britain, a member who would refer to the opinion of the sovereign, in such a case, would be instantly called to order; but under the extraordinary circumstances of the president having, with, I have no doubt, the best motives, volunteered his opinion on this head, and inverted the order of legislation by beginning where it should end, I am compelled, most reluctantly, to refer to that opinion. I can not but deprecate the practice of which the president has, in this instance, set the example to his successors. The constitutional order of legislation supposes that every bill originating in one House, shall be there deliberately investigated, without influence from any other branch of the Legislature; and then remitted to the other House for a like free and unbiased consideration. Having passed both Houses, it is to be laid before the president; signed if approved, and if disapproved, to be returned, with his objections, to the originating House. In this manner, entire freedom of thought and of action is secured, and the president finally sees the proposition in the most matured form which Congress can give to it. The practical effect, to say no more, of forestalling the legislative opinion, and telling us what we may or may not do, will be to deprive the president himself of the opportunity of considering a proposition so matured, and us of the benefit of his reasoning applied specifically to such proposition. For the Constitution further enjoins it upon him, to state his objections upon returning the bill. The originating House is then to reconsider it, and deliberately to weigh those objections; and it is further required, when the question is again taken, Shall the bill pass, those objections notwithstanding? that the votes shall be solemnly spread, by ayes and noes, upon the record. Of this opportunity of thus recording our opinions, in matters of great public concern, we are deprived, if we submit to the innovation of the president. I will not press this part of the subject further. I repeat, again and again, that I have no doubt but that the president was actuated by the purest motives. I am compelled, however, in the exercise of that freedom of opinion which, so long as I exist, I will maintain, to say, that the proceeding is irregular and unconstitutional. Let us, however, examine the reasoning and opinion of the president:

"A difference of opinion has existed from the first formation of our Constitution to the present time, among our most enlightened and virtuous citizens respecting the right of Congress to establish a system of internal improvement. Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived, with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty required; and the result is, a settled conviction in my mind, that Congress does not possess the right. It is not contained in any of the specified powers granted to Congress; nor can I consider it incidental

to, or a necessary mean, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I can not resist the obligation which I feel, to suggest to Congress the propriety of recommending to the States the adoption of an amendment to the Constitution, which shall give the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of power. We may confidently rely, that, if it appears to their satisfaction that the power is necessary, it will always be granted."

In this passage the president has furnished us with no reasoning, no argument in support of his opinion—nothing addressed to the understanding. He gives us, indeed, an historical account of the operations of his own mind, and he asserts that he has made a laborious effort to conquer his early impressions, but that the result is a settled conviction against the power, without a single reason. In his position, that the power must be specifically granted, or incident to a power so granted, it has been seen, that I have the honor to entirely concur with him; but, he says, the power is not among the specified powers. Has he taken into consideration the clause respecting post-roads, and told us how and why that does not convey the power? If he had acted within what I conceive to be his constitutional sphere of rejecting the bill, after it had passed both Houses, he must have learned that great stress was placed on that clause, and we should have been enlightened by his comments upon it. As to his denial of the power, as an incident to any of the express grants, I would have thought that we might have safely appealed to the experience of the president, during the late war, when the country derived so much benefit from his judicious administration of the duties of the war department, whether roads and canals for military purposes were not essential to celerity and successful result in the operations of armies. This part of the message is all assertion, and contains no argument which I can comprehend, or which meets the points contended for during this debate Allow me here to say, and I do it without the least disrespect to that branch of the government on whose opinions and acts it has been rendered my painful duty to comment; let me say, in reference to any man, however elevated his station, even if he be endowed with the power and prerogatives of a sovereign, that his acts are worth infinitely more, and are more intelligible than mere paper sentiments or declarations. And what have been the acts of the president? During his tour of the last summer, did he not order a road to be cut or repaired from near Plattsburg to the St. Lawrence? My honorable friend will excuse me, if my comprehension is too dull to perceive the force of that argument, which seeks to draw a distinction between repairing an old and making a new road.

(Mr. Nelson said he had not drawn that distinction, having only stated the fact.)

Certainly no such distinction is to be found in the Constitution, or exists in reason. Grant, however, the power of reparation, and we will make it do. We will take the post-roads, sinuous as they are, and put them in a condition to enable the mails to pass, without those mortifying delays and disappointments, to which we, at least in the West, are so often liable. The president then ordered a road of considerable extent to be constructed or repaired, on his sole authority, in a time of profound peace, when no enemy threatened the country, and when, in relation to the power as to which alone that road could be useful in time of war, there exists the best understanding, and a prospect of lasting friendship, greater than at any other period. On his sole authority the president acted, and we are already called upon by the Chairman of the Committee of Ways and Means to sanction the act by an appropriation. This measure has been taken, too, without the consent of the State of New York; and what is wonderful, when we consider the magnitude of the State rights which are said to be violated, without even a protest on the part of that State against it. On the contrary, I understand, from some of the military officers who are charged with the execution of the work, what is very extraordinary, that the people through whose quarter of the country the road passes, do not view it as a national calamity; that they would be very glad that the president would visit them often, and that he would order a road to be cut and improved, at the national expense, every time he should visit them. Other roads, in other parts of the Union, have, it seems, been likewise ordered, or their execution, at the public expense, sanctioned by the executive, without the concurrence of Congress. If the president has the power to cause these public improvements to be executed at his pleasure, whence is it derived? If any member will stand up in his place and say the president is clothed with this authority, and that it is denied to Congress, let us hear from him; and let him point to the clause of the Constitution which vests it in the executive and withholds it from the legislative branch.

There is no such clause; there is no such exclusive executive power. The power is derivable by the executive only from those provisions of the Constitution which charge him with the duties of commanding the physical force of the country, and the employment of that force in war, and the preservation of the public tranquillity, and in the execution of the laws. But Congress has paramount powers to the president. It alone can declare war, can raise armies, can provide for calling out the militia, in the specified instances, and can raise and appropriate the ways and means necessary to those objects. Or is it come to this, that there are to be two rules of construction for the Constitution—one, an enlarged rule for the executive, and another, a restricted rule for the Legislature? Is it already to be held that, according to the genius and nature of our Constitution, powers of this kind may be safely intrusted to the executive, but when attempted to be exercised by the Legislature, are so alarming and dangerous

that a war with all the allied powers would be less terrible, and that the nation should clothe itself straightway in sackcloth and ashes! No, sir; if the power belongs only by implication to the chief magistrate, it is placed both by implication and express grant in the hands of Congress. I am so far from condemning the act of the president, to which I have referred, that I think it deserving of high approbation. That it was within the scope of his constitutional authority, I have no doubt; and I sincerely trust that the Secretary at War will, in time of peace, constantly employ in that way the military force. It will, at the same time, guard that force against the vices incident to indolence and inaction, and correct the evil of subtracting from the mass of the labor of society, where labor is more valuable than in any other country, that portion of it which enters into the composition of the army. But I most solemnly protest against any exercise of powers of this kind by the president which are denied to Congress. And if the opinions expressed by him, in his message, were communicated, or are to be used here to influence the judgment of the House, their authority is more than countervailed by the authority of his deliberate acts.

Some principles drawn from political economists have been alluded to, and we are advised to leave things to themselves, upon the ground that, when the condition of society is ripe for internal improvements—that is, when capital can be so invested with a fair prospect of adequate remuneration, they will be executed by associations of individuals, unaided by government. With my friend from South Carolina (Mr. Lowndes) I concur in this as a general maxim; and I also concur with him that there are exceptions to it. The foreign policy which I think this country ought to adopt, presents one of those exceptions. It would, perhaps, be better for mankind if, in the intercourse between nations, all would leave skill and industry to their unstimulated exertions. But this is not done; and if other powers will incite the industry of their subjects, and depress that of our citizens, in instances where they may come into competition, we must imitate their selfish example. Hence the necessity to protect our manufactures. In regard to internal improvements, it does not follow that they will always be constructed whenever they will afford a competent dividend upon the capital invested. It may be true, generally, that in old countries where there is a great accumulation of surplus capital, and a consequent low rate of interest, they will be made. But, in a new country, the condition of society may be ripe for public works long before there is, in the hands of individuals, the necessary accumulation of capital to effect them; and besides, there is, generally, in such a country, not only a scarcity of capital, but such a multiplicity of profitable objects presenting themselves as to distract the judgment. Further; the aggregate benefit resulting to the whole society, from a public improvement, may be such as to amply justify the investment of capital in its execution, and yet that benefit may be so distributed among different and distant persons that they can never

be got to act in concert. The turnpike roads wanted to pass the Alleghany mountains, and the Delaware and Chesapeake Canal are objects of this description. Those who will be most benefited by these improvements reside at a considerable distance from the sites of them; many of those persons never have seen and never will see them. How is it possible to regulate the contributions, or to present to individuals so situated a sufficiently lively picture of their real interests, to get them to make exertions in effectuating the object commensurate with their respective abilities? I think it very possible that the capitalist who should invest his money in one of these objects, might not be reimbursed three per centum annually upon it; and yet society, in various forms, might actually reap fifteen or twenty per centum. The benefit resulting from a turnpike road, made by private association, is divided between the capitalist who receives his tolls, the lands through which it passes, and which are augmented in their value, and the commodities whose value is enhanced by the diminished expense of transportation. A combination, upon any terms, much less a just combination of all those interests, to effect the improvement, is impracticable. And if you await the arrival of the period when the tolls alone can produce a competent dividend, it is evident that you will have to suspend its execution long after the general interests of society would have authorized it.

Again, improvements, made by private associations, are generally made by local capital. But ages must elapse before there will be concentrated in certain places, where the interests of the whole community may call for improvements, sufficient capital to make them. The place of the improvement, too, is not always the most interested in its accomplishment. Other parts of the Union—the whole line of the seaboard—are quite as much, if not more interested, in the Delaware and Chesapeake Canal, as the small tract of country through which it is proposed to pass. The same observation will apply to turnpike roads passing through the Alleghany mountain. Sometimes the interest of the place of the improvement is adverse to the improvement and to the general interest. I would cite Louisville, at the rapids of the Ohio, as an example, whose interest will probably be more promoted by the continuance, than the removal of the obstruction. Of all the modes in which a government can employ its surplus revenue, none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort, and activity, and animation, on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways. Thus, if the price of transporting a barrel of flour by the erection of the Cumberland turnpike should be lessened two dollars, the producer of the article would receive that two dollars more now than formerly.

But, putting aside all pecuniary considerations, there may be political motives sufficiently powerful alone to justify certain internal improvements.

Does not our country present such? How are they to be effected, if things are left to themselves? I will not press the subject further. I am but too sensible how much I have abused the patience of the committee by trespassing so long upon its attention. The magnitude of the question, and the deep interest I feel in its rightful decision, must be my apology. We are now making the last effort to establish our power, and I call on the friends of Congress, of this House, or the true friends of the State rights (not charging others with intending to oppose them), to rally round the Constitution, and to support by their votes, on this occasion, the legitimate powers of the Legislature. If we do nothing this session but pass an abstract resolution on the subject, I shall, under all circumstances, consider it a triumph for the best interests of the country, of which posterity will, if we do not, reap the benefit. I trust, that by the decision which shall be given, we shall assert, uphold, and maintain, the authority of Congress, notwithstanding all that has been or may be said against it.

EMANCIPATION OF THE SOUTH AMERICAN STATES.

IN THE HOUSE OF REPRESENTATIVES, MARCH 24, 1818.

[MR. CLAY had had occasion, in 1816 and 1817, to make some incidental allusions to the great subject of the two following speeches, and in one instance to come out boldly upon it. The war between Spain and her American colonies, had now been carried on for several years, with great, even barbarous atrocities on the part of Spain, and with constantly augmenting chances in favor of the ultimate independence of the colonies. The example and successful career of the United States of North America, had inspired them with hope, and the wrongs of Spain were much more grievous than those inflicted by Great Britain on her colonies. Spain was more remote from her rebellious provinces, and less able to send against them efficient forces, being herself in a condition of rapid decadence. But her American continental possessions constituted a vast domain, and the richest gem in her crown. To lose them, was like cutting off the legs and arms of a man, leaving only the trunk. Three things, in such a case, invariably follow a relentless despotism, sooner or later: first, that despotism knows not how to relax its severities; next, that it drives its victims to desperation; and thirdly, that, if there be any hope of freedom, freedom will at last crown the efforts of the oppressed.

It was morally impossible for a man of Mr. Clay's temperament as a man, and his position as an American statesman, to look on this struggle with feelings of indifference, or not to make an effort, in some form, to aid these oppressed provinces of Spain. He had even suggested, on a former occasion, that it might be expedient for the United States to form an alliance, offensive and defensive, with these interesting communities, against the mother country. On the present occasion, however, he only proposed a recognition of one of these Spanish colonies—*The United Provinces of Rio de la Plata*—as a government *de facto*, and providing for a minister—as an entering wedge for a similar

recognition of all the other South American States, when circumstances should favor. In 1817, Mr. Monroe, president of the United States, had sent a commission of inquiry to South America, Messrs. Rodney, Graham, and Bland, to report on the condition and political prospects of those Spanish provinces, and at the next session of Congress, asked for an appropriation to defray its expenses. Mr. Clay moved to amend the bill by providing for a minister to the *La Plata*, to be appointed in the discretion of the president; and opened the debate by the following speech The entire field of the independence of the South American States was, of course, now open, and Mr. Clay entered it with a boldness characteristic only of himself—alone in the moral power of his sympathy and of his position. He consulted naught but his own heart and the cause of freedom. He regarded the American continental domains of Spain as occupying precisely the position of the North American British colonies, when they started and while they were struggling for independence—excepting only, that the Spanish colonies had stronger claims for freedom, arising from their greater grievances. The political prospect was at that moment the most inspiring to every lover of freedom, which the world ever beheld. It was nothing less than that the entire American continent should become a republican empire, in contrast with the European continent groaning under a variety of despotisms. Nor did Mr. Clay propose any thing that could be construed into a *casus belli* by Spain. It was only to send a minister to a government *de facto*—a right established by public law. Public law, therefore, was in harmony with those sympathies which, at this time and in this case, were natural to all American freemen; and the outburst of argument from the mouth of Mr. Clay, on this occasion, came down with tremendous effect, not only upon the House of Representatives, but upon the country; and not only on this country, but on the Spanish provinces; and not only in these quarters, but it burst on Spain herself, and on all Europe, as a clap of thunder from the skies. It was republican America, from Cape Horn to Hudson's Bay, against monarchical Europe, from the Mediterranean to Finland, that suddenly started up before the surprised imaginations of men—all from this *débût* of Mr. Clay for South American independence. Mr. Clay had now come out in this field, armed with a panoply which no weapon could pierce; for he had only proposed to send a minister to a government *de facto*.]

I RISE, Mr. Chairman, under feelings of deeper regret than I have ever experienced on any former occasion, inspired, principally, by the painful consideration, that I find myself, on the proposition which I meant to submit, differing from many highly esteemed friends, in and out of this House, for whose judgment I entertained the greatest respect. A knowledge of this circumstance has induced me to pause; to subject my own convictions to the severest scrutiny, and to revolve the question over and over again. But all my reflections have conducted me to the same clear result; and, much as I value those friends, great as my deference is for their opinions, I can not hesitate, when reduced to the distressing alternative of conforming my judgment to theirs, or persuing the deliberate and mature dictates of my own mind. I enjoy some consolation, for the want of their co-operation, from the persuasion that, if I err on this occasion, I err on the side of the liberty and happiness of a large portion of the human family. Another, and, if possible, indeed a greater, source of the regret to which I refer, is the utter incompetency, which I unfeignedly feel, to do any thing like adequate justice to the great cause of American independence and freedom, whose interest I wish to promote by my humble exertions in this instance. Exhausted and worn down as I am, by the fatigue, confinement, and incessant application incident to the arduous duties of the honorable station I hold, during a four-months' session, I shall need all that kind indulgence which has been so often extended to me by the House.

I beg, in the first place, to correct misconceptions, if any exist, in regard to my opinions. I am averse to war with Spain, or with any power. I would give no just cause of war to any power—not to Spain herself. I have seen enough of war, and of its calamities, even when successful. No country upon earth has more interest than this in cultivating peace and avoiding war, as long as it is possible honorably to avoid it. Gaining additional strength every day; our numbers doubling in periods of twenty-five years; with an income outstripping all our estimates, and so great, as, after a war in some respects disastrous, to furnish results which carry astonishment, if not dismay, into the bosom of states jealous of our rising importance, we have every motives for the love of peace. I can not, however, approve, in all respects, of the manner in which our negotiations with Spain have been conducted. If ever a favorable time existed for the demand, on the part of an injured nation, of indemnity for past wrongs from the aggressor, such is the present time. Impoverished and exhausted at home, by the wars which have desolated the peninsula, with a foreign war, calling for infinitely more resources, in men and money, than she can possibly command, this is the auspicious period for insisting upon justice at her hands, in a firm and decided tone. Time is precisely what Spain now most wants. Yet what are we told by the president, in his message at the commencement of Congress? That Spain had procrastinated, and we acquiesced in her procrastination. And the Secretary of State, in a

late communication with Mr. Onis, after ably vindicating all our rights, tells the Spanish minister, with a good deal of *sang froid*, that we had patiently waited thirteen years for a redress of our injuries, and that it required no great effort to wait longer! I would have abstained from thus exposing our intentions. Avoiding the use of the language of menace, I would have required, in temperate and decided terms, indemnity for all our wrongs; for the spoliations of our commerce; for the interruption of the right of dépôt at New Orleans, guarantied by treaty; for the insults repeatedly offered to our flag; for the Indian hostilities, which she was bound to prevent; for belligerent use made of her ports and territories, by our enemy, during the late war; and the instantaneous liberation of the free citizens of the United States, now imprisoned in her jails. Cotemporaneous with that demand, without waiting for her final answer, and with a view to the favorable operation on her councils in regard to our own peculiar interests, as well as in justice to the cause itself, I would recognize any established government in Spanish America. I would have left Spain to draw her own inferences from these proceedings, as to the ultimate step which this country might adopt, if she longer withheld justice from us. And if she persevered in her iniquity, after we have conducted the negotiation in the manner I have endeavored to describe, I would then take up and decide the solemn question of peace or war, with the advantage of all the light shed upon it, by subsequent events, and the probable conduct of Europe.

Spain has undoubtedly given us abundant and just cause of war. But it is not every cause of war that should lead to war. War is one of those dreadful scourges, that so shakes the foundations of society, overturns or changes the character of governments, interrupts or destroys the pursuits of private happiness, brings, in short, misery and wretchedness in so many forms, and at last is, in its issue, so doubtful and hazardous, that nothing but dire necessity can justify an appeal to arms. If we are to have war with Spain, I have, however, no hesitation in saying, that no mode of bringing it about could be less fortunate than that of seizing, at this time, upon her adjoining province. There was a time, under certain circumstances, when we might have occupied East Florida with safety; had we then taken it, our posture in the negotiation with Spain would have been totally different from what it is. But we have permitted that time, not with my consent, to pass by unimproved. If we were now to seize upon Florida, after a great change in those circumstances, and after declaring our intention to acquiesce in the procrastination desired by Spain, in what light should we be viewed by foreign powers, particularly Great Britain We have already been accused of inordinate ambition, and of seeking to aggrandize ourselves by an extension, on all sides of our limits. Should we not, by such an act of violence, give color to the accusation? No, Mr. Chairman; if we are to be involved in a war with Spain, let us have the credit of disinterestedness. Let us put her yet more in the wrong. Let

us command the respect which is never withheld from those who act a noble and generous part. I hope to communicate to the committee the conviction which I so strongly feel, that the adoption of the amendment which I intend to propose, would not hazard, in the slightest degree, the peace of the country. But if that peace is to be endangered, I would infinitely rather it should be for our exerting the right appertaining to every state, of acknowledging the independence of another state, than for the seizure of a province, which, sooner or later, we must certainly acquire.

In contemplating the great struggle in which Spanish America is now engaged, our attention is first fixed by the immensity and character of the country which Spain seeks again to subjugate. Stretching on the Pacific ocean from about the fortieth degree of north latitude to about the fifty-fifth degree of south latitude, and extending from the mouth of the Rio del Norte (exclusive of East Florida), around the Gulf of Mexico, and along the South Atlantic to near Cape Horn; it is about five thousand miles in length, and in some places near three thousand in breadth. Within this vast region we behold the most sublime and interesting objects of creation; the loftiest mountains, the most majestic rivers in the world; the richest mines of the precious metals, and the choicest productions of the earth. We behold there a spectacle still more interesting and sublime —the glorious spectacle of eighteen millions of people, struggling to burst their chains and to be free. When we take a little nearer and more detailed view, we perceive that nature has, as it were, ordained that this people and this country shall ultimately constitute several different nations. Leaving the United States on the north, we come to New Spain, or the vice-royalty of Mexico on the south; passing by Guatemala, we reach the vice-royalty of New Granada, the late captain-generalship of Venezuela, and Guiana, lying on the east side of the Andes. Stepping over the Brazils, we arrive at the united provinces of La Plata, and crossing the Andes, we find Chili on their west side, and, further north, the vice-royalty of Lima, or Peru. Each of these several parts is sufficent in itself, in point of limits to constitute a powerful State; and, in point of population, that which has the smallest, contains enough to make it respectable. Throughout all the extent of that great portion of the world, which I have attempted thus hastily to describe, the spirit of revolt against the dominion of Spain has manifested itself. The Revolution has been attended with various degrees of success in the several parts of Spanish America. In some it has been already crowned, as I shall endeavor to show, with complete success, and in all I am persuaded that independence has struck such deep root, that the power of Spain can never eradicate it. What are the causes of this great movement?

Three hundred years ago, upon the ruins of the thrones of Montezuma and the Incas of Peru, Spain erected the most stupendous system of colonial despotism that the world has ever seen—the most vigorous, the most exclusive. The great principle and object of this system, has been,

to render one of the largest portions of the world exclusively subservient, in all its faculties, to the interest of an inconsiderable spot in Europe. To effectuate this aim of her policy, she locked up Spanish America from all the rest of the world, and prohibited, under the severest penalties, any foreigner from entering any part of it. To keep the natives themselves ignorant of each other, and of the strength and resources of the several parts of her American possessions, she next prohibited the inhabitants of one vice-royalty or government from visiting those of another; so that the inhabitants of Mexico, for example, were not allowed to enter the vice-royalty of New Granada. The agriculture of those vast regions was so regulated and restrained, as to prevent all collision with the agriculture of the peninsula. Where nature, by the character and composition of the soil, had commanded, the abominable system of Spain has forbidden, the growth of certain articles. Thus the olive and the vine, to which Spanish America is so well adapted, are prohibited, wherever their culture can interfere with the olive and the vine of the peninsula. The commerce of the country, in the direction and objects of the exports and imports, is also subjected to the narrow and selfish views of Spain, and fettered by the odious spirit of monopoly, existing in Cadiz. She has sought, by scattering discord among the several castes of her American population, and by a debasing course of education, to perpetuate her oppression. Whatever concerns public law, or the science of government, all writings upon political economy, or that tend to give vigor, and freedom, and expansion, to the intellect, are prohibited. Gentlemen would be astonished by the long list of distinguished authors, whom she proscribes, to be found in Depon's and other works. A main feature in her policy, is that which constantly elevates the European and depresses the American character. Out of upward of seven hundred and fifty viceroys and captains-general, whom she has appointed since the conquest of America about eighteen only have been from the body of the American population. On all occasions, she seeks to raise and promote her European subjects, and to degrade and humiliate the Creoles. Wherever in America her sway extends, every thing seems to pine and wither beneath its baneful influence. The richest regions of the earth, man, his happiness and his education, all the fine faculties of his soul, are regulated, and modified, and molded, to suit the execrable purposes of an inexorable despotism.

Such is a brief and imperfect picture of the state of things in Spanish America, in 1808, when the famous transactions of Bayonne occurred. The king of Spain and the Indies (for Spanish America has always constituted an integral part of the Spanish empire) abdicated his throne and became a voluntary captive. Even at this day, one does not know whether he should condemn the baseness and perfidy of the one party, or despise the meanness and imbecility of the other. If the obligation of obedience and allegiance existed on the part of the colonies to the king of Spain, it was founded on the duty of protection which he owed them. By disqualifying himself for

the performance of this duty, they became released from that obligation. The monarchy was dissolved; and each integral part had a right to seek its own happiness, by the institution of any new government adapted to its wants. Joseph Bonaparte, the successor *de facto* of Ferdinand, recognized this right on the part of the colonies, and recommended them to establish their independence. Thus, upon the ground of strict right; upon the footing of a mere legal question, governed by forensic rules, the colonies, being absolved by the acts of the parent country from the duty of subjection to it, had an indisputable right to set up for themselves. But I take a broader and a bolder position. I maintain, that an oppressed people are authorized, whenever they can, to rise and to break their fetters. This was the great principle of the English Revolution. It was the great principle of our own. Vattel, if authority were wanting, expressly supports this right. We must pass sentence of condemnation upon the founders of our liberty, say that they were rebels, traitors, and that we are at this moment legislating without competent powers, before we can condemn the cause of Spanish America. Our Revolution was mainly directed against the mere theory of tyranny. We had suffered comparatively but little; we had, in some respects, been kindly treated; but our intrepid and intelligent fathers saw, in the usurpation of the power to levy an inconsiderable tax, the long train of oppressive acts that were to follow. They rose, they breasted the storm; they achieved our freedom. Spanish America for centuries has been doomed to the practical effects of an odious tyranny. If we were justified, she is more than justified.

I am no propagandist. I would not seek to force upon other nations our principles and our liberty, if they did not want them. I would not disturb the repose even of a detestable despotism. But, if an abused and oppressed people will their freedom; if they seek to establish it; if, in truth, they, have established it; we have a right, as a sovereign power, to notice the fact, and to act as circumstances and our interest require. I will say, in the language of the venerated father of my country, "born in a land of liberty, my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly excited, whensoever, in any country, I see an oppressed nation unfurl the banners of freedom." Whenever I think of Spanish America the image irresistibly forces itself upon my mind, of an elder brother, whose education has been neglected, whose person has been abused and maltreated, and who has been disinherited by the unkindness of an unnatural parent. And, when I contemplate the glorious struggle which that country is now making, I think I behold that brother rising, by the power and energy of his fine native genius, to the manly rank which nature, and nature's God, intended for him.

If Spanish America be entitled to success from the justness of her cause, we have no less reason to wish that success, from the horrible character which the royal arms have given to the war. More atrocities, than those which have been perpetrated during its existence, are not to be found, even

in the annals of Spain herself. And history, reserving some of her blackest pages for the name of Morillo, is prepared to place him by the side of his great prototype, the infamous desolater of the Netherlands. He who has looked into the history of the conduct of this war, is constantly shocked at the revolting scenes which it portrays; at the refusal, on the part of the commanders of the royal forces, to treat, on any terms, with the other side; at the denial of quarter; at the butchery, in cold blood, of prisoners; at the violation of flags, in some cases, after being received, with religious ceremonies; at the instigation of slaves to rise against their owners; and at acts of wanton and useless barbarity. Neither the weakness of the other sex, nor the imbecility of old age, nor the innocence of infants, nor the reverence due to the sacerdotal character, can stay the arm of royal vengeance. On this subject, I beg leave to trouble the committee, with reading a few passages from a most authentic document, the manifesto of the Congress of the United Provinces of Rio del la Plata, published in October last. This is a paper of the highest authority; it is an appeal to the world; it asserts facts of notoriety in the face of the whole world. It is not to be credited, that the Congress would come forward with a statement which was not true, when the means, if it were false, of exposing their fabrications, must be so abundant, and so easy to command. It is a document, in short, that stands upon the same footing of authority with our own papers, promulgated during the Revolution by our Congress. I will add, that many of the facts which it affirms, are corroborated by most respectable historical testimony, which is in my own possession:

"Memory shudders at the recital of the horrors that were committed by Goyeneche in Cochabamba. Would to heaven it were possible to blot from remembrance the name of that ungrateful and blood-thirsty American; who, on the day of his entry, ordered the virtuous governor and intendant, Antesana, to be shot; who, beholding from the balcony of his house that infamous murder, cried out with a ferocious voice to the soldiers, that they must not fire at the head, because he wanted it to be affixed to a pole; and who, after the head was taken off, ordered the cold corpse to be dragged through the streets; and, by a barbarous decree, placed the lives and fortunes of the citizens at the mercy of his unbridled soldiery, leaving them to exercise their licentious and brutal sway during several days. But those blind and cruelly capricious men (the Spaniards) rejected the mediation of England, and dispatched rigorous orders to all the generals, to aggravate the war, and to punish us with more severity. The scaffolds were everywhere multiplied, and invention was racked to devise means for spreading murder, distress, and consternation.

"Thenceforth they made all possible efforts to spread division among us, to incite us to mutual extermination; they have slandered us with the most atrocious calumnies; accusing us of plotting the destruction of our holy religion, the abolition of all morality, and of introducing licentiousness of manners. They wage a religious war against us, contriving a thousand artifices to disturb and alarm the consciences of the people, making the Spanish bishops issue decrees of ecclesiastical condemnation, public excommunications, and disseminating,

through the medium of some ignorant confessor, fanatical doctrines in the tribunal of penitence. By means of these religious discords, they have divided families against themselves; they have caused disaffection between parents and children; they have dissolved the tender ties which unite man and wife; they have spread rancor and implacable hatred between brothers most endeared, and they have presumed to throw all nature into discord.

"They have adopted the system of murdering men indiscriminately, to diminish our numbers; and, on their entry into towns, they have swept off all, even the market people, leading them to the open squares, and there shooting them one by one. The cities of Chuquisaca and Cochabamba have more than once been the theaters of these horrid slaughters.

"They have intermixed with their troops, soldiers of ours, whom they had taken prisoners, carrying away the officers in chains, to garrisons where it is impossible to preserve health for a year; they have left others to die in their prisons, of hunger and misery, and others they have forced to hard labor on the public works. They have exultingly put to death our bearers of flags of truce, and have been guilty of the blackest atrocities to our chiefs, after they had surrendered, as well as to other principal characters, in disregard of the humanity with which we treated prisoners; as a proof of it, witness the deputy Mutes of Potosi, the Captain-General Pumacagua, General Augulo, and his brother Commandant Munecas, and other partisan chiefs, who were shot in cold blood after having been prisoners for several days.

"They took a brutal pleasure in cropping the ears of the natives of the town of Ville-Grande, and sending a basket full of them as presents to the head-quarters. They afterward burnt that town, and set fire to thirty other towns of Peru, and, worse than the worst of savages, shutting the inhabitants up in the houses before setting them on fire, that they might be burnt alive.

"They have not only been cruel and unsparing in their mode of murder, but they have been void of all morality and public decency, causing aged ecclesiastics and women to be lashed to a gun, and publicly flogged, with the abomination of first having them stripped, and their nakedness exposed to shame in the presence of their troops.

"They established an inquisitorial system in all these punishments; they have seized on peaceable inhabitants, and transported them across the sea, to be judged for suspected crimes, and they have put a great number of citizens to death everywhere, without accusation or the form of a trial.

"They have invented a crime of unexampled horror, in poisoning our water and provisions, when they were conquered by General Pineto at Lapaz; and in return for the kindness with which we treated them, after they had surrendered at discretion, they had the barbarity to blow up the head-quarters, under which they had constructed a mine, and prepared a train beforehand.

"He has branded us with the stigma of rebels, the moment he returned to Madrid; he refused to listen to our complaints, or to receive our supplications; and, as an act of extreme favor, he offered us pardon. He confirmed the viceroys, governors, and generals whom he had found actually glutted with carnage. He declared us guilty of a high misdemeanor, for having dared to frame a constitution for our own government, free from the control of a deified, absolute, and tyrannical power, under which we had groaned three centuries; a measure that could be offensive only to a prince, an enemy to justice and beneficence and consequently unworthy to rule over us.

"He then undertook, with the aid of his ministers, to equip large military armaments, to be directed against us. He caused numerous armies to be sent out to consummate the work of devastation, fire, and plunder.

"He has sent his generals, with certain decrees of pardon, which they publish to deceive the ignorant, and induce them to facilitate their entrance into towns, while at the same time he has given them other secret instructions, authorizing them, as soon as they could get possession of a place, to hang, burn, confiscate, and sack; to encourage private assassinations, and to commit every species of injury in their power, against the deluded beings who had confided in his pretended pardon. It is in the name of Ferdinand of Bourbon, that the heads of patriot officers, prisoners, are fixed up in the highways, that they beat and stoned to death a commandant of light troops, and that, after having killed Colonel Camugo, in the same manner, by the hands of the indecent Centeno, they cut off his head, and sent it as a present to General Pazuela, telling him it was a miracle of the virgin of the Carmelites."

In the establishment of the independence of Spanish America, the United States have the deepest interest. I have no hesitation in asserting my firm belief, that there is no question in the foreign policy of this country which has ever arisen, or which I can conceive as ever occurring, in the decision of which we have had or can have so much at stake. This interest concerns our politics, our commerce, our navigation. There can not be a doubt that Spanish America, once independent, whatever may be the form of the governments established in its several parts, these governments will be animated by an American feeling, and guided by an American policy. They will obey the laws of the system of the New World, of which they will compose a part, in contradistinction to that of Europe. Without the influence of that vortex in Europe, the balance of power between its several parts, the preservation of which has so often drenched Europe in blood, America is sufficiently remote to contemplate the new wars which are to afflict that quarter of the globe, as a calm, if not a cold and indifferent spectator. In relation to those wars the several parts of America will generally stand neutral. And as, during the period when they rage, it will be important that a liberal system of neutrality should be adopted and observed, all America will be interested in maintaining and enforcing such a system. The independence of Spanish America, then, is an interest of primary consideration. Next to that, and highly important in itself, is the consideration of the nature of their governments. That is a question, however, for themselves. They will, no doubt, adopt those kinds of government which are best suited to their condition, best calculated for their happiness. Anxious as I am that they should be free governments, we have no right to prescribe for them. They are, and ought to be, the sole judges for themselves. I am strongly inclined to believe that they will in most, if not all parts of their country, establish free governments. We are their great example. Of us they constantly speak as of brothers, having a similar origin. They adopt our principles, copy

our institutions, and, in many instances, employ the very language and sentiments of our revolutionary papers.

But it is sometimes said that they are too ignorant and too superstitious to admit of the existence of free government. This charge of ignorance is often urged by persons themselves actually ignorant of the real condition of that people. I deny the alleged fact of ignorance; I deny the inference from that fact, if it were true, that they want capacity for free government; and I refuse assent to the further conclusion, if the fact were true, and the inference just, that we are to be indifferent to their fate. All the writers of the most established authority, Depons, Humboldt, and others, concur in assigning to the people of Spanish America great quickness, genius, and particular aptitude for the acquisition of the exact sciences, and others which they have been allowed to cultivate. In astronomy, geology, mineralogy, chemistry, botany, and so forth, they are allowed to make distinguished proficiency. They justly boast of their Abzate, Velasques, and Gama, and other illustrious contributors to science. They have nine universities, and in the city of Mexico, it is affirmed by Humboldt, that there are more solid scientific establishments than in any city even in North America. I would refer to the message of the supreme director of La Plata, which I shall hereafter have occasion to use for another purpose, as a model of fine composition of a State paper, challenging a comparison with any, the most celebrated, that ever issued from the pens of Jefferson or Madison. Gentlemen will egregiously err if they form their opinions of the present moral condition of Spanish America, from what it was under the debasing system of Spain. The eight years' revolution in which it has been engaged has already produced a powerful effect. Education has been attended to, and genius developed.

"As soon as the project of the revolution arose on the shores of La Plata, genius and talent exhibited their influence; the capacity of the people became manifest, and the means of acquiring knowledge were soon made the favorite pursuit of the youth. As far as the wants or the inevitable interruption of affairs have allowed, every thing has been done to disseminate useful information. The liberty of the press has indeed met with some occasional checks; but in Buenos Ayres alone, as many periodical works weekly issue from the press as in Spain and Portugal put together."

The fact is not therefore true, that the imputed ignorance exists; but, if it do, I repeat, I dispute the inference. It is the doctrine of thrones, that man is too ignorant to govern himself. Their partizans assert his incapacity, in reference to all nations; if they can not command universal assent to the proposition, it is then demanded as to particular nations; and our pride and our presumption too often make converts of us. I contend that it is to arraign the dispositions of Providence himself, to suppose that he has created beings incapable of governing themselves, and to be trampled on by kings. Self-government is the natural government of

man, and for proof I refer to the aborigines of our own land. Were I to speculate in hypotheses unfavorable to human liberty, my speculations should be founded rather upon the vices, refinements, or density of population. Crowded together in compact masses, even if they were philosophers, the contagion of the passions is communicated and caught, and the effect, too often, I admit, is the overthrow of liberty. Dispersed over such an immense space as that on which the people of Spanish America are spread, their physical, and I believe also their moral condition, both favor their liberty.

With regard to their superstition, they worship the same God with us. Their prayers are offered up in their temples to the same Redeemer, whose intercession we expect to save us. Nor is there any thing in the Catholic religion unfavorable to freedom. All religions united with government, are more or less inimical to liberty. All, separated from government, are compatible with liberty. If the people of Spanish America have not already gone as far in religious toleration as we have, the difference in their condition from ours should not be forgotten. Every thing is progressive; and, in time, I hope to see them imitating, in this respect, our example. But grant that the people of Spanish America are ignorant, and incompetent for free government, to whom is that ignorance to be ascribed? Is it not to the execrable system of Spain, which she seeks again to establish and to perpetuate? So far from chilling our hearts, it ought to increase our solicitude for our unfortunate brethren. It ought to animate us to desire the redemption of the minds and bodies of unborn millions, from the brutifying effects of a system whose tendency is to stifle the faculties of the soul, and to degrade them to the level of beasts. I would invoke the spirits of our departed fathers. Was it for yourselves only that you nobly fought? No, no! It was the chains that were forging for your posterity, that made you fly to arms, and, scattering the elements of these chains to the winds, you transmitted to us the rich inheritance of liberty.

The exports of Spanish America (exclusive of those of the islands) are estimated in the valuable little work of M. Torres, deserving to be better known, at about eighty-one millions of dollars. Of these, more than three fourths are precious metals. The residue are cocoa, coffee, cochineal, sugar, and some other articles. No nation ever offered richer commodities in exchange. It is of no material consequence, that we produce but little that Spanish America wants. Commerce, as it actually exists in the hands of maritime states, is no longer confined to a mere barter, between any two States, of their respective productions. It renders tributary to its interests the commodities of all quarters of the world; so that a rich American cargo, or the contents of an American commercial warehouse, present you with whatever is rare or valuable, in every part of the globe. Commerce is not to be judged by its results in transactions with one nation only. Unfavorable balances existing with one State, are made up by contrary balances with other States, and its true value should be tested by

the totality of its operations. Our greatest trade, that with Great Britain, judged by the amount of what we sell for her consumption, and what we buy of her for ours, would be pronounced ruinous. But the unfavorable balance is covered by the profits of trade with other nations. We may safely trust to the daring enterprise of our merchants. The precious metals are in South America, and they will command the articles wanted in South America, which will purchase them. Our navigation will be benefited by the transportation, and our country will realize the mercantile profits. Already the item in our exports of American manufactures is respectable. They go chiefly to the West Indies and to Spanish America. This item is constantly augmenting. And I would again, as I have on another occasion, ask gentlemen to elevate themselves to the actual importance and greatness of our republic; to reflect, like true American statesmen, that we are not legislating for the present day only; and to contemplate this country in its march to true greatness, when millions and millions will be added to our population, and when the increased productive industry will furnish an infinite variety of fabrics for foreign consumption, in order to supply our wants. The distribution of the precious metals has hitherto been principally made through the circuitous channel of Cadiz. No one can foresee all the effects which will result from a direct distribution of them from the mines which produce them. One of these effects will probably be, to give us the entire command of the Indian trade. The advantage we have on the map of the world over Europe, in that respect, is prodigious. Again, if England, persisting in her colonial monopoly, continues to occlude her ports in the West Indies to us, and we should, as I contend we ought, meet her system by a countervailing measure, Venezuela, New Granada, and other parts of Spanish America, would afford us all we get from the British West Indies. I confess that I despair, for the present, of adopting that salutary measure. It was proposed at the last session, and postponed. During the present session, it has been again proposed, and, I fear, will be again postponed. I see, and I own it with infinite regret, a tone and a feeling in the councils of the country, infinitely below that which belongs to the country. It is, perhaps, the moral consequence of the exertions of the late war. We are alarmed at dangers, we know not what; by specters conjured up by our own vivid imaginations.

The West India bill is brought up. We shrug our shoulders, talk of restrictions, non-intercourse, embargo, commercial warfare, make long faces, and—postpone the bill. The time will however come, must come, when this country will not submit to a commerce with the British colonies, upon the terms which England alone prescribes. And, I repeat, when it arrives, Spanish America will afford us an ample substitute. Then, as to our navigation: gentlemen should recollect, that if reasoning from past experience were safe for the future, our great commercial rival will be in war a greater number of years than she will be in peace. Whenever she shall be at

war, and we are in peace, our navigation being free from the risks and insurance incident to war, we shall engross almost the whole transportation of Spanish American commerce. For I do not believe that that country will ever have a considerable marine. Mexico, the most populous part of it, has but two ports, La Vera Cruz and Acapulca, and neither of them very good. Spanish America has not the elements to construct a marine. It wants, and must always want, hardy seamen. I do not believe, that, in the present improved state of navigation, any nation so far south will ever make a figure as a maritime power. If Carthage and Rome, in ancient times, and some other states of a later period, occasionally made great exertions on the water, it must be recollected that they were principally on a small theater, and in a totally different state of the art of navigation, or when there was no competition from northern States.

I am aware that, in opposition to the interest, which I have been endeavoring to manifest, that this country has in the independence of Spanish America, it is contended that we shall find that country a great rival in agricultural productions. There is something so narrow, and selfish, and groveling, in this argument, if founded in fact, something so unworthy the magnanimity of a great and a generous people, that I confess I have scarcely patience to notice it. But it is not true to any extent. Of the eighty odd millions of exports, only about one million and a half consist of an article which can come into competition with us, and that is cotton. The tobacco which Spain derives from her colonies, is chiefly produced in her islands. Breadstuffs can nowhere be raised and brought to market in any amount materially affecting us. The table-lands of Mexico, owing to their elevation, are, it is true, well adapted to the culture of grain; but the expense and difficulty of getting it to the Gulf of Mexico, and the action of the intense heat at La Vera Cruz, the only port of exportation, must always prevent Mexico from being an alarming competitor. Spanish America is capable of producing articles so much more valuable than those which we raise, that it is not probable they will abandon a more profitable for a less advantageous culture, to come into competition with us. The West India islands are well adapted to the raising of cotton; and yet the more valuable culture of coffee and sugar is constantly preferred. Again, Providence has so ordered it, that, with regard to countries producing articles apparently similar, there is some peculiarity, resulting from climate, or from some other cause, that gives to each an appropriate place in the general wants and consumption of mankind. The southern part of the continent, La Plata and Chili, is too remote to rival us.

The immense country watered by the Mississippi and its branches, has a peculiar interest, which I trust I shall be excused for noticing. Having but the single vent of New Orleans for all the surplus produce of their industry, it is quite evident that they would have a greater security for enjoying the advantages of that outlet, if the independence of Mexico upon any European power were effected. Such a power, owning at the same

time Cuba, the great key of the Gulf of Mexico, and all the shores of that gulf, with the exception of the portion between the Perdido and Rio del Norte, must have a powerful command over our interests. Spain, it is true, is not a dangerous neighbor at present; but, in the vicissitudes of States, her power may be again resuscitated.

Having shown that the cause of the patriots is just, and that we have a great interest in its successful issue, I will next inquire what course of policy it becomes us to adopt. I have already declared it to be one of strict and impartial neutrality. It is not necessary for their interests, it is not expedient for our own, that we should take part in the war. All they demand of us is a just neutrality. It is compatible with this pacific policy it is required by it, that we should recognize any established government, if there be any established government, in Spanish America. Recognition alone, without aid, is no just cause of war. With aid, it is; not because of the recognition, but because of the aid; as aid, without recognition, is cause of war. The truth of these propositions I will maintain upon principle, by the practice of other States and by the usage of our own. There is no common tribunal among nations, to pronounce upon the fact of the sovereignty of a new State. Each power does and must judge for itself. It is an attribute of sovereignty so to judge. A nation, in exerting this incontestable right, in pronouncing upon the independence, in fact, of a new State, takes no part in the war. It gives neither men, nor ships, nor money. It merely pronounces that, in so far as it may be necessary to institute any relations, or to support any intercourse, with the new power, that power is capable of maintaining those relations and authorizing that intercourse. Martens and other publicists lay down these principles.

When the United Provinces formerly severed themselves from Spain, it was about eighty years before their independence was finally recognized by Spain. Before that recognition, the United Provinces had been received by all the rest of Europe, into the family of nations. It is true, that a war broke out between Philip and Elizabath, but it proceeded from the aid which she determined to give, and did give, to Holland. In no instance, I believe, can it be shown, from authentic history, that Spain made war upon any power, on the sole ground that such power had acknowledged the independence of the United Provinces.

In the case of our own Revolution, it was not until after France had given us aid, and had determined to enter into a treaty of alliance with us —a treaty by which she guarantied our independence—that England declared war. Holland was also charged by England with favoring our cause, and deviating from the line of strict neutrality. And, when it was perceived that she was, moreover, about to enter into a treaty with us, England declared war. Even if it were shown that a proud, haughty, and powerful nation like England, had made war upon other provinces, on the ground of a mere recognition, the single example could not alter the public law, or shake the strength of a clear principle.

But what has been our uniform practice? We have constantly proceeded on the principle, that the government *de facto* is that we can alone notice. Whatever form of government any society of people adopts, whoever they acknowledge as their sovereign, we consider that government or that sovereign as the one to be acknowledged by us. We have invariably abstained from assuming a right to decide in favor of the sovereign *de jure*, and against the sovereign *de facto*. That is a question for the nation in which it arises to determine. And, so far as we are concerned, the sovereign *de facto* is the sovereign *de jure*. Our own Revolution stands on the basis of the right of a people to change their rulers. I do not maintain that every immature revolution, every usurper, before his power is consolidated is to be acknowledged by us; but that as soon as stability and order are maintained, no matter by whom, we always have considered, and ought to consider, the actual as the true government. General Washington, Mr. Jefferson, Mr. Madison, all, while they were respectively presidents, acted on these principles.

In the case of the French republic, General Washington did not wait until some of the crowned heads of Europe should set him the example of acknowledging it, but accredited a minister at once. And it is remarkable, that he was received before the government of the republic was considered as established. It will be found in Marshall's Life of Washington, that, when it was understood that a minister from the French republic was about to present himself, President Washington submitted a number of questions to his cabinet for their consideration and advice, one of which was, whether, upon the reception of the minister, he should be notified that America would suspend the execution of the treaties between the two countries, until France had an established government. General Washington did not stop to inquire whether the descendants of St. Louis were to be considered as the legitimate sovereigns of France, and if the Revolution was to be regarded as unauthorized resistance to their sway. He saw France, in fact, under the government of those who had subverted the throne of the Bourbons, and he acknowledged the actual government. During Mr. Jefferson's and Mr. Madison's administrations, when the Cortes of Spain and Joseph Bonaparte respectively contended for the crown, those enlightened statesmen said, We will receive a minister from neither party; settle the question between yourselves, and we will acknowledge the party that prevails. We have nothing to do with your feuds; whoever all Spain acknowledges as her sovereign, is the only sovereign with whom we can maintain any relations. Mr. Jefferson, it is understood, considered whether he should not receive a minister from both parties, and finally decided against it, because of the inconveniences to this country, which might result from the double representation of another power. As soon as the French armies were expelled from the peninsula, Mr. Madison, still acting on the principle of the government *de facto*, received the present minister from Spain. During all the phases of the French government, republic,

directory, consuls, consul for life, emperor, king, emperor again, king, our government has uniformly received the minister.

If, then, there be an established government in Spanish America, deserving to rank among the nations, we are morally and politically bound to acknowledge it, unless we renounce all the principles which ought to guide, and which hitherto have guided, our councils. I shall now undertake to show, that the United Provinces of the Rio de la Plata possess such a government. Its limits, extending from the South Atlantic ocean to the Pacific, embrace a territory equal to that of the United States, certainly equal to it exclusive of Louisiana. Its population is about three millions, more than equal to ours at the commencement of our Revolution. That population is a hardy, enterprising, and gallant population. The establishments of Montevideo and Buenos Ayres have, during different periods of their history, been attacked by the French, Dutch, Danes, Portuguese, English, and Spanish; and such is the martial character of the people, that, in every instance, the attack has been repulsed. In 1807, General Whitlocke, commanding a powerful English army, was admitted, under the guise of a friend, into Buenos Ayres, and, as soon as he was supposed to have demonstrated inimical designs, he was driven by the native and unaided force of Buenos Ayres from the country. Buenos Ayres has, during now nearly eight years, been, in point of fact, in the enjoyment of self-government. The capital, containing more than sixty thousand inhabitants, has never been once lost. As early as 1811, the regency of old Spain made war upon Buenos Ayres, and the consequence subsequently was the capture of a Spanish army in Montevideo, equal to that of Burgoyne. This government has now, in excellent discipline, three well-appointed armies, with the most abundant material of war: the army of Chili, the army of Peru, and the army of Buenos Ayres. The first, under San Martin, has conquered Chili; the second is penetrating in a northwestern direction from Buenos Ayres, into the vice-royalty of Peru; and, according to the last accounts, had reduced the ancient seat of empire of the Incas. The third remains at Buenos Ayres to oppose any force which Spain may send against it. To show the condition of the country in July last, I again call the attention of the committee to the message of the supreme director, delivered to the Congress of the United Provinces. It is a paper of the same authentic character with the speech of the King of England on opening his parliament, or the message of the President of the United States at the commencement of Congress.

"The army of this capital was organized at the same time with those of the Andes and of the interior; the regular force has been nearly doubled; the militia has made great progress in military discipline; our slave population has been formed into battalions, and taught the military art as is consistent with their condition. The capital is under no apprehension that any army of ten thousand men can shake its liberties, and should the peninsularians send against us thrice that number, ample provision has been made to receive them.

"Our navy has been fostered in all its branches. The scarcity of means under which we labored until now, has not prevented us from undertaking very considerable operations, with respect to the national vessels; all of them have been repaired, and others have been purchased and armed, for the defense of our coasts and rivers; and provisions have been made, should necessity require it, for arming many more, so that the enemy will not find himself secure from our reprisals, even upon the ocean.

"Our miltary force at every point which it occupies, seems to be animated with the same spirit; its tactics are uniform, and have undergone a rapid improvement from the science of experience, which it has borrowed from warlike nations.

"Our arsenals have been replenished with arms, and a sufficient store of cannon and munitions of war have been provided, to maintain the contest for many years; and this, after having supplied articles of every description to those districts, which have not as yet come into the union, but whose connection with us has been only intercepted by reason of our past misfortunes.

"Our legions daily receive considerable augmentations from new levies; all our preparations have been made, as though we were about to enter upon the contest anew. Until now, the vastness of our resources was unknown to us, and our enemies may contemplate, with deep mortification and despair, the present flourishing state of these provinces after so many devastations.

"While thus occupied in providing for our safety within, and preparing for assaults from without, other objects of solid interest have not been neglected, and which hitherto were thought to oppose insurmountable obstacles.

"Our system of finance had hitherto been on a footing entirely inadequate to the unfailing supply of our wants, and still more to the liquidation of the immense debt which had been contracted in former years. An unremitted application to this object has enabled me to create the means of satisfying the creditors of the State who had already abandoned their debts as lost, as well as to devise a fixed mode, by which the taxes may be made to fall equally and indirectly on the whole mass of our population. It is not the least merit of this operation, that it has been effected in despite of the writings by which it was attacked, and which are but little creditable to the intelligence and good intentions of their authors. At no other period have the public exigences been so punctually supplied, nor have more important works been undertaken.

"The people, moreover, have been relieved from many burdens, which being partial, or confined to particular classes, had occasioned vexation and disgust. Other vexations, scarcely less grievous, will by degrees be also suppressed, avoiding, as far as possible, a recurrence to loans, which have drawn after them the most fatal consequences to States. Should we, however, be compelled to resort to such expedients, the lenders will not see themselves in danger of losing their advances.

"Many undertakings have been set on foot for the advancement of the general prosperity. Such has been the re-establishing of the college, heretofore named San Carlos, but hereafter to be called the Union of the South, as a point designated for the dissemination of learning to the youth of every part of the State, on the most extensive scale, for the attainment of which object the government is at the present moment engaged in putting in practice every possible diligence. It will not be long before these nurseries will flourish, in which the liberal and exact sciences will be cultivated, in which the hearts of

those young men will be formed, who are destined at some future day to add new splendor to our country.

"Such has been the establishment of a military dépôt on the frontier, with its spacious magazine, a necessary measure to guard us from future dangers, a work which does more honor to the prudent foresight of our country, as it was undertaken in the moment of its prosperous fortunes, a measure which must give more occasion for reflection to our enemies than they can impose upon us by their boastings.

"Fellow citizens, we owe our unhappy reverses and calamities to the depraving system of our ancient metropolis, which, in condemning us to the obscurity and opprobrium of the most degraded destiny, has sown with thorns the path that conducts us to liberty. Tell that metropolis that even she may glory in your works! Already have you cleared all the rocks, escaped every danger, and conducted these provinces to the flourishing condition in which we now behold them. Let the enemies of your name contemplate with despair the energies of your virtues, and let the nations acknowledge that you already appertain to their illustrious rank. Let us felicitate ourselves on the blessings we have already obtained, and let us show to the world that we have learned to profit by the experience of our past misfortunes."

There is a spirit of bold confidence running through this fine state paper, which nothing but conscious strength could communicate. Their armies, their magazines, their finances, are on the most solid and respectable footing. And, amid all the cares of war, and those incident to the consolidation of their new institutions, leisure is found to promote the interest of science, and the education of the rising generation. It is true the first part of the message portrays scenes of difficulty and commotion, the usual attendants upon revolution. The very avowal of their troubles manifests, however, that they are subdued. And what state, passing through the agitation of a great revolution, is free from them? We had our tories, our intrigues, our factions. More than once were the affections of the country, and the confidence of our councils, attempted to be shaken in the great father of our liberties. Not a Spanish bayonet remains within the immense extent of the territories of the La Plata, to contest the authority of the actual government. It is free, it is independent, it is sovereign. It manages the interests of the society that submits to its sway. It is capable of maintaining the relations between that society and other nations.

Are we not bound, then, upon our own principles, to acknowledge this new republic? If we do not, who will? Are we to expect that kings will set us the example of acknowledging the only republic on earth, except our own? We receive, promptly receive, a minister, from whatever king sends us one. From the great powers and the little powers, we accredit ministers. We do more: we hasten to reciprocate the compliment; and, anxious to manifest our gratitude for royal civility, we send for a minister (as in the case of Sweden and the Netherlands) of the lowest grade, one of the highest rank recognized by our laws. We are the

natural head of the American family. I would not intermeddle in the affairs of Europe. We wisely keep aloof from their broils. I would not even intermeddle in those of other parts of America, further than to exert the incontestable rights appertaining to us as a free, sovereign, and independent power; and I contend, that the accrediting of a minister from the new republic is such a right. We are bound to receive their minister, if we mean to be really neutral. If the royal belligerent is represented and heard at our government, the republican belligerent ought also to be heard. Otherwise, one party will be in the condition of the poor patriots, who were tried *ex-parte* the other day, in the Supreme Court, without counsel, without friends. Give Mr. Onis his *conge*, or receive the republican minister. Unless you do so, your neutrality is nominal.

I will next proceed to inquire into the consequences of a recognition of the new republic. Will it involve us in war with Spain? I have shown, I trust successfully shown, that there is no just cause of war to Spain. Being no cause of war, we have no right to expect that war will ensue. If Spain, without cause, will make war, she may make it whether we do or do not acknowledge the republic. But she will not, because she can not, make war against us. I call the attention of the committee to a report of the minister of the Hacienda to the King of Spain, presented about eight months ago. A more beggarly account of empty boxes was never rendered. The picture of Mr. Dallas, sketched in his celebrated report during the last war, may be contemplated without emotion, after surveying that of Mr. Gary. The expenses of the current year required eight hundred and thirty million two hundred and sixty-seven thousand eight hundred and twenty-nine reals, and the deficit of the income is represented as two hundred and thirty-three million one hundred and forty thousand nine hundred and thirty-two reals. This, besides an immense mass of unliquidated debt, which the minister acknowledges the utter inability of the country to pay, although bound in honor to redeem it. He states, that the vassals of the king are totally unable to submit to any new taxes, and the country is without credit, so as to render anticipation by loans wholly impracticable. Mr. Gary appears to be a virtuous man, who exhibits frankly the naked truth; and yet such a minister acknowledges, that the decorum due to one single family, that of a monarch, does not admit, in this critical condition of his country, any reduction of the enormous sum of upward of fifty-six millions of reals, set apart to defray the expenses of that family! He states that a foreign war would be the greatest of all calamities, and one which, being unable to provide for it, they ought to employ every possible means to avert. He proposed some inconsiderable contribution from the clergy, and the whole body was instantly in an uproar. Indeed, I have no doubt that, surrounded as Mr. Gary is by corruption, by intrigue, and folly, and imbecility, he will be compelled to retire, if he has not already been dismissed, from a post for which he has too much integrity. It has been now about four years since

the restoration of Ferdinand; and if, during that period, the whole energies of the monarchy have been directed, unsuccessfully, against the weakest and most vulnerable of all the American possessions, Venezuela, how is it impossible for Spain to encounter the difficulties of a new war with this country? Morillo has been sent out with one of the finest armies that has ever left the shores of Europe—consisting of ten thousand men, chosen from all the veterans who have fought in the peninsula. It has subsequently been reinforced with about three thousand more. And yet, during the last summer, it was reduced, by the sword and the climate, to about four thousand effective men. And Venezuela, containing a population of only about one million, of which near two thirds are persons of color, remains unsubdued. The little island of Margaritta, whose population is less than twenty thousand inhabitants—a population fighting for liberty, with more than Roman valor—has compelled that army to retire upon the main. Spain, by the late accounts, appeared to be deliberating upon the necessity of resorting to that measure of conscription, for which Bonaparte has been so much abused. The effect of a war with this country would be, to insure success, beyond all doubt, to the cause of American independence. Those parts even, over which Spain has some prospect of maintaining her dominions, would probably be put in jeopardy. Such a war would be attended with the immediate and certain loss of Florida. Commanding the Gulf of Mexico, as we should be enabled to do by our navy, blockading the port of Havana, the port of La Vera Cruz, and the coast of Terra Firma, and throwing munitions of war into Mexico, Cuba would be menanced, Mexico emancipated, and Morillo's army, deprived of supplies, now drawn principally from this country through the Havana, compelled to surrender. The war, I verily believe, would be terminated in less than two years, supposing no other power to interpose.

Will the allies interfere? If, by the exertion of an unquestionable attribute of a sovereign power, we should give no just cause of war to Spain herself, how can it be pretended that we should furnish even a specious pretext to the allies for making war upon us? On what ground could they attempt to justify a rupture with us, for the exercise of a right which we hold in common with them, and with every other independent state? But we have a surer guaranty against their hostility, in their interests. That all the allies have an interest in the independence of Spanish America, is perfectly evident. On what ground, I ask, is it likely, then, that they would support Spain, in opposition to their own decided interests? To crush the spirit of revolt, and prevent the progress of free principles? Nations, like individuals, do not sensibly feel, and seldom act upon dangers which are remote either in time or place. Of Spanish America, but little is known by the great body of the population of Europe. Even in this country, the most astonishing ignorance prevails respecting it. Those European statesmen who are acquainted with the country, will reflect, that, tossed by a great revolution, it will most prob-

ably constitute four or five several nations, and that the ultimate modification of all their various governments is by no means absolutely certain. But I entertain no doubt that the principle of cohesion among the allies is gone. It was annihilated in the memorable battle of Waterloo. When the question was, whether one should engross all, a common danger united all. How long was it, even with a clear perception of that danger, before an effective coalition could be formed? How often did one power stand by, unmoved and indifferent to the fate of its neighbor, although the destruction of that neighbor removed the only barrier to an attack upon itself? No; the consummation of the cause of the allies was, and all history and all experience will prove it, the destruction of the alliance. The principle is totally changed. It is no longer a common struggle against the colossal power of Bonaparte, but it has become a common scramble for the spoils of his empire. There may, indeed, be one or two points on which a common interest still exists, such as the convenience of subsisting their armies on the vitals of poor suffering France. But as for action, for new enterprises, there is no principle of unity, there can be no accordance of interests, or of views, among them.

What is the condition in which Europe is left after all its efforts? It is divided into two great powers, one having the undisputed command of the land, the other of the water. Paris is transferred to St. Petersburg, and the navies of Europe are at the bottom of the sea, or concentrated in the ports of England. Russia—that huge land animal—awing by the dread of her vast power all continental Europe, is seeking to encompass the Porte; and, constituting herself the kraken of the ocean, is anxious to lave her enormous sides in the more genial waters of the Mediterranean. It is said, I know, that she has indicated a disposition to take part with Spain. No such thing. She has sold some old worm-eaten, decayed, fir-built ships to Spain, but the crews which navigate them are to return from the port of delivery, and the *bonus* she is to get, I believe to be the island of Minorca, in conformity with the cardinal point of her policy. France is greatly interested in whatever would extend her commerce and regenerate her marine, and consequently, more than any other power of Europe, England alone excepted, is concerned in the independence of Spanish America. I do not despair of France so long as France has a legislative body collected from all its parts, the great repository of its wishes and its will. Already has that body manifested a spirit of considerable independence. And those who, conversant with French history, know what magnanimous stands have been made by the parliaments, bodies of limited extent, against the royal prerogative, will be able to appreciate justly the moral force of such a legislative body. While it exists, the true interests of France will be cherished and pursued on points of foreign policy, in opposition to the pride and interests of the Bourbon family, if the actual dynasty, impelled by this pride, should seek to subserve these interests.

England finds that, after all her exertions, she is everywhere despised

on the continent; her maritime power viewed with jealousy; her commerce subjected to the most onerous restrictions; selfishness imputed to all her policy. All accounts from France represent that every party, Bonapartists, Jacobins, royalists, moderes, ultras, all burn with indignation toward England, and pant for an opportunity to avenge themselves on the power to whom they ascribe all their disasters.

It is impossible that with powers, between whom so much cordial dislike, so much incongruity exists, there can be any union or concert. While the free principles of the French Revolution remained, those principles were so alarming to the stability of thrones, there never was any successful or cordial union; coalition after coalition, wanting the spirit of union, was swept away by the overwhelming power of France. It was not until those principles were abandoned, and Bonaparte had erected on their ruins his stupendous fabric of universal empire; nor, indeed, until after the frosts of heaven favored the cause of Europe, that an effective coalition was formed. No, the complaisance inspired in the allies from unexpected, if not undeserved success, may keep them nominally together; but for all purposes of united and combined action, the alliance is gone; and I do not believe in the chimera of their crusading against the independence of a country, whose liberation would essentially promote all their respective interests.

But the question of the interposition of the allies, in the event of our recognizing the new republic, resolves itself into a question, whether England, in such an event, would make war upon us; if it can be shown that England would not, it results, either that the other allies would not, or that, if they should, in which case England would most probably support the cause of America, it would be a war without the maritime ability to maintain it. I contend that England is alike restrained by her honor and by her interests from waging war against us, and consequently against Spanish America also, for an acknowledgment of the independence of the new State. England encouraged and fomented the revolt of the colonies as early as June, 1797. Sir Thomas Picton, governor of Trinidad, in virtue of orders from the British minister of foreign affairs, issued a proclamation, in which he expressly assures the inhabitants of Terra Firma that the British government will aid in establishing their independence:

"With regard to the hope you entertain of raising the spirits of those persons with whom you are in correspondence, toward encouraging the inhabitants to resist the oppressive authority of their government, I have little more to say than that they may be certain, that whenever they are in that disposition, they may receive at your hands all the succors to be expected from his Britannic majesty, be it with forces or with arms and ammunition to any extent; with the assurance that the views of his Britannic majesty go no further than to secure to them their independence," and so forth.

In the prosecution of the same object, Great Britain defrayed the ex-

penses of the famous expedition of Miranda. England, in 1811, when she was in the most intimate relations with Spain, then struggling against the French power, assumed the attitude of a mediator between the colonies, and the peninsula. The terms, on which she conceived her mediation could alone be effectual, were rejected by the Cortes, at the lowest state of the Spanish power. Among these terms, England required for the colonies a perfect freedom of commerce, allowing only some degree of preference to Spain; that the appointments of viceroys and governors should be made indiscriminately from Spanish Americans and Spaniards; and that the interior government, and every branch of public administration, should be intrusted to the cabildo, or municipalities, and so forth. If Spain, when Spain was almost reduced to the island of St. Leon, then rejected those conditions, will she now consent to them, amounting, as they do, substantially, to the independence of Spanish America? If England, devoted as she was at that time to the cause of the peninsula, even then thought those terms due to the colonies, will she now, when no particular motive exists for cherishing the Spanish power, and after the ingratitude with which Spain has treated her, think that the colonies ought to submit to less favorable conditions? And would not England stand disgraced in the eyes of the whole world, if, after having abetted and excited a revolution, she should now attempt to reduce the colonies to unconditional submission, or should make war upon us for acknowledging that independence which she herself sought to establish?

No guaranty for the conduct of nations or individuals ought to be stronger than that which honor imposes; but for those who put no confidence in its obligations, I have an argument to urge of more conclusive force. It is founded upon the interest of England. Excluded almost as she is from the continent, the commerce of America, South and North, is worth to her more than the commerce of the residue of the world. That to all Spanish America has been alone estimated at fifteen millions sterling. Its aggregate value to Spanish America and the United States may be fairly stated at upward of one hundred thousand dollars. The effect of a war with the two countries would be, to divest England of this great interest, at a moment when she is anxiously engaged in repairing the ravages of the European war. Looking to the present moment only, and merely to the interests of commerce, England is concerned more than even this country, in the success of the cause of independence in Spanish America. The reduction of the Spanish power in America has been the constant and favorite aim of her policy for two centuries; she must blot out her whole history, reverse the maxims of all her illustrious statesmen, extinguish the spirit of commerce which animates, directs, and controls all her movements, before she can render herself accessory to the subjugation of Spanish America. No commercial advantages which Spain may offer by treaty, can possess the security for her trade, which independence would communicate. The one would be most probably of limited duration, and liable

to violation from policy, from interest, or from caprice. The other would be as permanent as independence. That I do not mistake the views of the British cabinet, the recent proclamation of the prince-regent I think proves. The committee will remark, that the document does not describe the patriots as rebels, or insurgents, but using a term which I have no doubt has been well weighed, it declares the existence of a "state of warfare." And with regard to English subjects, who are in the armies of Spain, although they entered the service without restriction as to their military duties, it requires that they shall not take part against the colonies. The subjects of England freely supply the patriots with arms and ammunition, and an honorable friend of mine (Colonel Johnson) has just received a letter from one of the West India islands, stating the arrival there from England of the skeletons of three regiments, with many of the men to fill them, destined to aid the patriots. In the Quarterly Review of November last, a journal devoted to the ministry, and a work of the highest authority, as it respects their views, the policy of neutrality is declared and supported as the true policy of England; and that, even if the United States were to take part in the war; and Spain is expressly notified, that she can not and must not expect aid from England.

"In arguing, therefore, for the advantage of a strict neutrality, we must enter an early protest against any imputations of hostility to the cause of genuine freedom, or of any passion for despotism and the inquisition. We are no more the panegyrists of legitimate authority in all times, circumstances, and situations, than we are advocates for revolution in the abstract," and so forth. "But it has been plausibly asserted, that, by abstaining from interference in the affairs of South America, we are surrendering to the United States all the advantages which might be secured to ourselves from this revolution; that we are assisting to increase the trade and power of a nation which alone can ever be the maritime rival of England. It appears to us extremely doubtful, whether any advantage, commercial or political, can be lost to England by a neutral conduct; it must be observed, that the United States themselves, have given every public proof of their intention to pursue the same line of policy. But admitting that this conduct is nothing more than a decent pretext; or admitting, still farther, that they will afford to the independents direct and open assistance, our view of the case would remain precisely the same," and so forth. "To persevere in force, unaided, is to miscalculate her (Spain's) own resources, even to infatuation. To expect the aid of an ally in such a cause would, if that ally were England, be to suppose this country as forgetful of its own past history as of its immediate interests and duties. Far better would it be for Spain, instead of calling for our aid, to profit by our experience; and to substitute, ere it be too late, for efforts like those by which the North American colonies were lost to this country, the conciliatory measures by which they might have been retained."

In the case of the struggle between Spain and her colonies, England, for once, at least, has manifested a degree of wisdom highly deserving our imitation, but unfortunately the very reverse of her course has been pur-

sued by us. She has so conducted, by operating upon the hopes of the two parties, as to keep on the best terms with both; to enjoy all the advantages of the rich commerce of both. We have, by a neutrality bill containing unprecedented features, and still more by a late executive measure, to say the least of it, of doubtful constitutional character, contrived to dissatisfy both parties. We have the confidence neither of Spain nor the colonies.

It remains for me to defend the proposition which I meant to submit, from an objection which I have heard intimated, that it interferes with the duties assigned to the executive branch. On this subject I feel the greatest solicitude; for no man more than myself, respects the preservation of the independence of the several departments of government, in the constitutional orbits which are prescribed to them. It is my favorite maxim, that each, acting within its proper sphere, should move with its constitutional independence, and under its constitutional responsibility, without influence from any other. I am perfectly aware that the Constitution of the United States—and I admit the proposition in its broadest sense—confides to the executive the reception and the deputation of ministers. But, in relation to the latter operation, Congress has concurrent will in the power of providing for the payment of their salaries. The instrument nowhere says or implies that the executive act of sending a minister to a foreign country, shall precede the legislative act which provides for the payment of his salary. And, in point of fact, our statutory code is full of examples of legislative action prior to executive action, both in relation to the deputation of agents abroad, and to the subject-matter of treaties. Perhaps the act of sending a minister abroad, and the act of providing for the allowance of his salary, ought to be simultaneous; but if, in the order of precedence, there be more reason on the one side than on the other, I think it is in favor of the priority of the legislative act, as the safer depository of power. When a minister is sent abroad, although the legislature may be disposed to think his mission useless; although, if previously consulted, they would have said they would not consent to pay such a minister; the duty is delicate and painful to refuse to pay the salary promised to him whom the executive has even unnecessarily sent abroad. I can illustrate my idea by the existing missions to Sweden and to the Netherlands. I have no hesitation in saying, that if we had not ministers of the first grade there, and if the legislature were asked, prior to sending them, whether it would consent to pay ministers of that grade, I would not, and I believe Congress would not, consent to pay them.

If it be urged that by avowing our willingness in a legislative act, to pay a minister not yet sent, and whom the president may think it improper to send abroad, we operate upon the president by all the force of our opinion; it may be retorted, that when we are called upon to pay any minister, sent under similar circumstances, we are operated upon by all the force of the president's opinion. The true theory of our government, at least, supposes

that each of the two departments, acting on its proper constitutional responsibility, will decide according to its best judgment, under all the circumstances of the case. If we make the previous appropriation, we act upon our constitutional responsibility, and the president afterward will proceed upon his. And so if he makes the previous appointment. We have the right, after a minister is sent abroad, and we are called upon to pay him, and we ought to deliberate upon the propriety of his mission; we may and ought to grant or withhold his salary. If this power of deliberation is conceded subsequently to the deputation of the minister, it must exist prior to that deputation. Whenever we deliberate, we deliberate under our constitutional responsibility. Pass the amendment I propose, and it will be passed under that responsibility. Then the president, when he deliberates on the propriety of the mission, will act under his constitutional responsibility. Each branch of government, moving in its proper sphere, will act with as much freedom from the influence of the other as is practically attainable.

There is great reason, from the peculiar character of the American government, for a perfect understanding between the legislative and executive branches, in relation to the acknowledgment of a new power. Everywhere else the power of declaring war resides with the executive. Here it is deposited with the Legislature. If, contrary to my opinion, there be even a risk that the acknowledgment of a new state may lead to war, it is advisable that the step should not be taken without a previous knowledge of the will of the war-making branch. I am disposed to give to the president all the confidence which he must derive from the unequivocal expression of our will. This expression I know may be given in the form of an abstract resolution, declaratory of that will; but I prefer at this time proposing an act of practical legislation. And if I have been so fortunate as to communicate to the committee, in any thing like that degree of strength in which I entertain them, the convictions that the cause of the patriots is just; that the character of the war, as waged by Spain, should induce us to wish them success; that we have a great interest in that success; that this interest, as well as our neutral attitude, requires us to acknowledge any established government in Spanish America; that the United Provinces of the river Platte is such a government; that we may safely acknowledge its independence, without danger of war from Spain, from the allies, or from England; and that, without unconstitutional interference with the executive power, with peculiar fitness, we may express, in an act of approbation, our sentiments, leaving him to an exercise of a just and responsible discretion; I hope the committee will adopt the proposition which I have now the honor of presenting to them, after a respectful tender of my acknowledgments for their attention and kindness, during, I fear, the tedious period I have been so unprofitably trespassing upon their patience.

EMANCIPATION OF SOUTH AMERICA.

IN THE HOUSE OF REPRESENTATIVES, MARCH 28, 1818.

[THE following speech, as will be seen, is a mere continuation of the preceding one, after the subject had been debated by others, and in reply to the opponents of Mr. Clay's amendment. The *prima facie* views of the former speech, occupy a distinct position on the naked merits of the question; whereas this second speech is characterised chiefly by a refutation of the objections which had been raised against Mr. Clay's proposal. His motion, doubtless, took the House by surprise, as being too bold a measure, though we can not now see why it should be so regarded, especially in the light of Mr. Clay's argument. The prudence of its opponents strikes the reader of history as a censurable and truckling timidity. In the first place, there was no cause of war in what Mr. Clay proposed, and it was absurd to suppose that Spain would resent it as such, in the condition of her finances; and in the protracted struggle of these South American provinces against the mother country, they had acquired advantages sufficient to justify a recognition of their independence, by all the world. They were in fact independent, and were becoming more and more so every year. Spain could neither hold, nor reduce them. Still it was a difficult matter to persuade the government of the United States of North America to recognize this position of our southern and sister republics, and Mr. Clay was the only man that would take the lead in it. To his immortal honor, he allowed himself to be borne onward by the current of his sympathies—a movement visible to all the world, and which made an ineffaceable impression of gratitude on the people of those countries whose cause and independence he so gallantly advocated in the time of their greatest need. Henry Clay, of North America, was loved by them, celebrated in song, and monuments of gratitude were erected to his memory, which are standing to this day. Thanks were voted him by the governments of those States, and his name, as a heroic advocate of their independence, is incorporated with their history.

But Mr. Clay's amendment was lost by a vote of one hundred and fifteen against forty-five. Even forty-five was a strong vote, considering that the motion was sprung upon the House so suddenly. The recognition of the independence of the South American States, by the government of the United States, was now in Mr. Clay's hands, and it remained for him to achieve its consummation as he did two years afterward.]

MR. CHAIRMAN: The first objection which I think it incumbent on me to notice, is that of my friend from South Carolina (Mr. Lowndes), who opposed the form of the proposition, as being made on a general appropriation bill, on which he appeared to think nothing ought to be engrafted which was likely to give rise to a difference between the two branches of the Legislature. If the gentleman himself had always acted on this principle, his objection would be entitled to more weight; but, the item in the appropriation bill next following this, and reported by the gentleman himself, is infinitely more objectionable—which is, an appropriation of thirty thousand dollars for defraying the expenses of three commissioners, appointed or proposed to be paid in an unconstitutional form. It can not be expected that a general appropriation bill will ever pass without some objectionable clauses, and in case of a difference between the two Houses (a difference which we have no right to anticipate in this instance), which can not be compromised as to any article, the obvious course is, to omit such article altogether, retaining all the others; and, in a case of this character, relative to brevet pay, which has occurred during the present session, such has been the ground the gentleman himself has taken in a conference with the Senate, of which he is a manager.

The gentleman from South Carolina, has professed to concur with me in a great many of his general propositions; and neither he nor any other gentleman has disagreed with me, that the mere recognition of the independence of the provinces is no cause of war with Spain, except the gentleman from Maryland (Mr. Smith), to whom I recommend, without intending disrespect to him, to confine himself to the operation of commerce, rather than undertake to expound questions of public law; for I can assure the gentleman, that, although he may make some figure, with his practical knowledge, in the one case, he will not in the other. No man, except the gentleman from Maryland, has had what I should call the hardihood to contend, that, on the ground of principle and mere public law, the exercise of the right of recognizing another power is the cause of war. But though the gentleman from South Carolina admitted, that the recognition would be no cause of war, and that it was not likely to lead to a war with Spain, we find him, shortly after, getting into a war with Spain, how, I do not see, and by some means, which he did not deign to discover to us getting us into a war with England also. Having satisfied himself,

by this course of reasoning, the gentleman has discovered, that the finances of Spain are in a most favorable condition. On this part of the subject, it is not necessary for me to say any thing after what the committee has heard from the eloquent gentleman from Massachusetts (Mr. Holmes), whose voice, in a period infinitely more critical in our affairs than the present, has been heard with so much delight from the East in support of the rights and honor of the country. He has clearly shown, that there is no parallel between the state of Spain and of this country—the one of a country whose resources are completely impoverished and exhausted, the other of a country whose resources are almost untouched. But, I would ask of the gentleman from South Carolina, if he can conceive that a State, in the condition of Spain, whose minister of the treasury admits that the people have no longer the means of paying new taxes—a nation with an immense mass of floating debt, and totally without credit—can feel any anxiety to engage in a war with a nation like this, whose situation is, in every possible view, directly the reverse? I ask, if an annual revenue, equal only to five eighths of the annual expenditure, exhibits a financial ability to enter upon a new war, when, too, the situation of Spain is altogether unlike that of the United States and England, whose credit, resting upon a solid basis, enables them to supply, by loans, any deficit in their income?

Notwithstanding the diversity of sentiment which has been displayed during the debate, I am happy to find that, with one exception, every member has done justice to the struggle in the South, and admitted it to be entitled to the favor of the best feelings of the human heart. Even my honorable friend near me (Mr. Nelson) has made a speech on our side, and we should not have found out, if he had not told us, that he would vote against us. Although his speech has been distinguished by his accustomed eloquence, I should be glad to agree on a cartel with the gentlemen on the other side of the House, to give them his speech for his vote. The gentleman says his heart is with us, that he ardently desires the independence of the South. Will he excuse me for telling him, that if he will give himself up to the honest feelings of his heart, he will have a much surer guide than by trusting to his head, to which, however, I am far from offering any disparagement?

But, sir, it seems that a division of the republican party is about to be made by the proposition. Who is to furnish, in this respect, the correct criterion—whose conduct to be the standard of orthodoxy? What has been the great principle of the party to which the gentleman from Virginia refers, from the first existence of the government to the present day? An attachment to liberty, a devotion to the great cause of humanity, of freedom, of self-government, and of equal rights. If there is to be a division, as the gentleman says; if he is going to leave us, who are following the old track, he may, in his new connections, find a great variety of company, which, perhaps, may indemnify him for the loss of his old

friends. What is the great principle that has distinguished parties in all ages, and under all governments—democrats and federalists, whigs and tories, plebeians and patricians? The one, distrustful of human nature, appreciates less the influence of reason and of good dispositions, and appeals more to physical force; the other party, confiding in human nature, relies much upon moral power, and applies to force as an auxiliary only to the operations of reason. All the modifications and denominations of political parties and sects may be traced to this fundamental distinction. It is that which separated the two great parties in this country. If there is to be a division in the republican party, I glory that I, at least, am found among those who are anxious for the advancement of human rights and of human liberty; and the honorable gentleman who spoke of appealing to the public sentiment, will find, when he does so, or I am much mistaken, that public sentiment is also on the side of public liberty and of human happiness.

But the gentleman from South Carolina has told us, that the Constitution has wisely confided to the executive branch of the government, the administration of the foreign interests of the country. Has the honorable gentleman attempted to show, though his proposition be generally true, and will never be controverted by me, that we also have not our participation in the administration of the foreign concerns of the country, when we are called upon, in our legislative capacity, to defray the expenses of foreign missions, or to regulate commerce? I stated, when up before, and I have listened in vain for an answer to the argument, that no part of the Constitution says which shall have the precedence, the act of making the appropriation for paying a minister, or of sending one. I have contended and now repeat, that either the acts of deputing or paying a minister should be simultaneous, or, if either has the preference, the act of appropriating his pay should precede the sending of a minister. I challenge gentlemen to show me any thing in the Constitution which directs that a minister shall be sent before his payment is provided for. I repeat, what I said the other day, that, by sending a minister abroad, during the recess, to nations between whom and us no such relations existed as to justify incurring the expense, the legislative opinion is forestalled, or unduly biased. I appeal to the practice of the government, and refer to various acts of Congress for cases of appropriations, without the previous deputation of the agent abroad, and without the preliminary of a message from the president, asking for them.

[Here Mr. Clay cited a case where Congress led the way and the president followed.]

From these it appears that Congress has constantly pursued the great principle of the theory of the Constitution, for which I now contend — that each department of the government must act within its own sphere,

independently, and on its own responsibility. It is a little extraordinary, indeed, after the doctrine which was maintained the other day, of a sweeping right in Congress to appropriate money to any object, that it should now be contended that Congress has no right to appropriate money to a particular object. The gentleman's (Mr. Lowndes's) doctrine is broad, comprehending every case; but, when proposed to be exemplified in any specific case, it does not apply. My theory of the Constitution on this particular subject, is, that Congress has the right of appropriating money for foreign missions, the president the power to use it. The president having the power, I am willing to say to him, "Here is the money, which we alone have a right to appropriate, which will enable you to carry your power into effect, if it seems expedient to you." Both being before him, the power and the means of executing it, the president would judge, on his own responsibility, whether or not it was expedient to exercise it. In this course, each department of the government would act independently, without influence from, and without interference with, the other. I have stated cases, from the statute-book, to show, that, in instances where no foreign agent has been appointed, but only a possibility of their being appointed, appropriations have been made for paying them. Even in the case of the subject-matter of negotiation (a right much more important than that of sending an agent), an appropriation of money has preceded the negotiation of a treaty—thus, in the third volume of the new edition of the laws, page twenty-seven, is a case of an appropriation of twenty-five thousand eight hundred and eighty dollars to defray the expense of such treaties as the President of the United States might deem proper to make with certain Indian tribes. An act, which has been lately referred to, appropriating two millions for the purchase of Florida, is a case still more strongly in point, as contemplating a treaty not with a savage, but with a civilized power. In this case there may have been, though I believe there was not, an executive message, recommending the appropriation; but I take upon myself to assert, that, in almost all the cases I have quoted, there was no previous executive intimation that the appropriation of the money was necessary to the object; but Congress has taken up the subject, and authorized these appropriations, without any official call from the executive to do so.

With regard to the general condition of the provinces now in revolt against the parent country, I will not take up much of the time of the House. Gentlemen are, however, much mistaken as to many of the points of their history, geography, commerce, and produce, which have been touched upon. Gentlemen have supposed there would be from those countries a considerable competition of the same products which we export. I venture to say, that, in regard to Mexico, there can be no such competition; that the table-lands are at such a distance from the sea-shore, and the difficulty of reaching it is so great, as to make the transportation to La Vera Cruz too expensive to be borne, and the heat so intense as to destroy the bread-stuffs as soon as they arrive. With respect to New Granada,

the gentleman from Maryland is entirely mistaken. It is the elevation of Mexico, principally, which enables it to produce bread-stuffs; but New Granada, lying nearly under the line, can not produce them. The productions of New Granada for exportation, are the precious metals (of which, of gold, particularly, a greater portion is to be found there than in any of the provinces, except Mexico), sugar, coffee, cocoa, and some other articles of a similar character. Of Venezuela, the principal productions are coffee, cocoa, indigo, and some sugar. Sugar is also produced in all the Guianas—French, Spanish, and Dutch. The interior of the provinces of La Plata may be productive of bread-stuffs, but they are too remote to come into competition with us in the West India market, the voyages to the United States generally occupying from fifty to sixty days, and sometimes as long as ninety days. By deducting from that number the average passage from the United States to the West Indies, the length of the usual passage between Buenos Ayres and the West Indies, will be found, and will show that, in the supply of the West India market with bread-stuffs, the provinces can never come seriously into competition with us. And in regard to Chili, productive as it may be, does the gentleman from Maryland suppose that vessels are going to double Cape Horn and come into competition with us in the West Indies? It is impossible.

But I feel a reluctance at pursuing the discussion of this part of the question, because I am sure these are considerations on which the House can not act, being entirely unworthy of the subject. We may as well stop all our intercourse with England, with France, or with the Baltic, whose products are, in many respects, the same as ours, as to act on the present occasion under the influence of any such considerations. It is too selfish, too mean a principle for this body to act on, to refuse its sympathy for the patriots of the South because some little advantage of a commercial nature may be retained to us from their remaining in their present condition, which, however, I totally deny. Three fourths of the productions of the Spanish provinces are the precious metals, and the greater part of the residue not of the same character as the staple productions of our soil. But it seems that a pamphlet has recently been published on this subject to which gentlemen have referred. Now permit me to express a distrust of all pamphlets of this kind unless we know their source. It may, for aught I know, if not composed at the instance of the Spanish minister, have been written by some merchant who has a privilege of trading to Lima under royal license; for such do exist, as I am informed, and some of them procured under the agency of a celebrated person by the name of Sarmiento, of whom, perhaps, the gentleman from Maryland (Mr. Smith) can give the House some information. To gentlemen thus privileged to trade with the Spanish provinces, under royal authority, the effect of a recognition of the independence of the provinces would be to deprive them of that monopoly. The reputed author of the pamphlet in question, if I understand correctly, is one who has been, if he is not now, deeply engaged in

the trade, and I will venture to say that many of his statements are incorrect. In relation to the trade of Mexico, I happen to possess the Royal Gazette of Mexico of 1804, showing what was the trade of that province in 1803; from which it appears that, without making allowance for the trade from the Philippine Islands to Acapulco, the imports into the port of Vera Cruz were, in that year, twenty-two millions in value, exclusive of contraband, the amount of which was very considerable. Among those articles were many which the United States could supply as well, if not on better terms, than they could be supplied from any other quarter; for example, brandy and spirits, paper, iron, implements for agriculture and the mines; wax, spices, naval stores, salt fish, butter, provisions; these articles amounting, in the whole, to one seventh part of the whole import trade to Mexico. With regard to the independence of that country, which gentlemen seem to think improbable, I rejoice that I am able to congratulate the House that we have, this morning, intelligence that Mina yet lives, and the patriot flag is still unfurled, and the cause infinitely more prosperous than ever. This intelligence I am in hopes will prove true, notwithstanding the particular accounts of his death which, as there is so much of fabrication and falsehood in the Spanish practice, are not entitled to credit, unless corroborated by other information. Articles are manufactured in one province to produce effect on other provinces, and in this country; and I am, therefore, disposed to think that the details respecting the capture and execution of Mina are too minute to be true, and were made up to produce an effect here.

With regard to the general value of the trade of a country, it is to be determined by the quantum of its population, and its character, its productions, and the extent and character of the territory; and, applying these criteria to Spanish America, no nation offers higher inducements to commercial enterprise. Washed on the one side by the Pacific, on the other by the south Atlantic; standing between Africa and Europe on the one hand, and Asia on the other; lying alongside of the United States; her commerce must, when free from the restraints of despotism, be immensely important; particularly when it is recollected how great a proportion of the precious metals it produces; for that nation which can command the precious metals, may be said to command almost the resources of the world. For one moment, imagine the mines of the South locked up from Great Britain for two years, what would be the effect on her paper system? Bankruptcy, explosion, revolution. Even if the supply which we get abroad of the precious metals was cut off for any length of time, I ask if the effect on our paper system would not be, not perhaps equally as fatal as to England, yet one of the greatest calamities which could befall this country? The revenue of Spain, in Mexico alone, was, in 1809, twenty millions of dollars, and in the other provinces in about the same proportion, taking into view their population, independent of the immense contributions annually paid to the clergy. When you look at the re-

sources of the country, and the extent of its population, recollecting that it is double our own; that its consumption of foreign articles, under a free commerce, would be proportionably great; that it yields a large revenue under the most abominable system, under which nearly three fourths of the population are unclad, and almost naked as from the hands of nature, because absolutely deprived of the means of clothing themselves, what may not be the condition of this country under the operation of a different sys-.em, which would let industry develop its resources in all possible forms? Such a neighbor can not but be a valuable acquisition in a commercial point of view.

Gentlemen have denied the fact of the existence of the independence of Buenos Ayres at as early a date as I have assigned to it. The gentleman from South Carolina, who is well informed on the subject, has not, I think, exhibited his usual candor on this part of it. When the gentleman talked of the upper provinces being out of the possession of the patriots as late as 1815, he ought to have gone back and told the House what was the actual state of the fact, with which I am sure the gentleman is very well acquainted. In 1811, the government of Buenos Ayres had been in possession of every foot of the territory of the vice-royalty. The war has been raging from 1811 to 1814 in those interior provinces bordering on Lima, which have been as often as three times conquered by the enemy, and as often recovered, and from which the enemy is now finally expelled. Is this at all remarkable during the progress of such a revolution? During the different periods of our war of independence, the British had possession of different parts of our country; as late as 1780, the whole of the southern States were in their possession; and at an earlier date they had possession of the great northern capitals. There is, in regard to Buenos Ayres, a distinguishing trait which does not exist in the history of our Revolution. That is, that from 1810 to the present day, the capital of the republic of La Plata has been invariably in the possession of the patriot government. Gentlemen must admit that when, in 1814, she captured at Montevideo an army as large as Burgoyne's captured at Saratoga, they were then in possession of independence. If they have been since 1810 in the enjoyment of self-government, it is, indeed, not very material under what name or under what form. The fact of their independence is all that is necessary to be established. In reply to the argument of the gentleman from South Carolina, derived from his having been unable to find out the number of the provinces, this arose from the circumstance that, thirty-six years ago, the vice royalty had been a captain-generalship; that it extended then only to Tucuman, while of late and at present the government extends to Desaguedera, in about the sixteenth degree of south latitude. There are other reasons why there is some confusion in the number of the provinces, as stated by different writers; there is, in the first place, a territorial division of the country; then a judicial; and next a military division; and the provinces have been stated at ten, thirteen, or twenty,

according to the denominations used. This, however, with the gentleman from South Carolina, I regard as a fact of no sort of consequence.

I will pass over the report lately made to the House by the Department of State, respecting the state of South America, with only one remark—that it appears to me to exhibit evidence of an adroit and experienced diplomatist, negotiating, or rather conferring on a subject with a young and inexperienced minister, from a young and inexperienced republic. From the manner in which this report was communicated, after a call for information so long made, and after a lapse of two months from the last date in the correspondence on the subject, I was mortified at hearing the report read. Why talk of the mode of recognition? Why make objections to the form of the commission? If the minister has not a formal power, why not tell him to send back for one? Why ask of him to enumerate the particular States whose independence he wished acknowledged? Suppose the French minister had asked of Franklin what number of States he represented? Thirteen, if you please, Franklin would have replied. But Mr. Franklin, will you tell me if Pennsylvania, whose capital is in possession of the British, be one of them? What would Dr. Franklin have said? It would have comported better with the frankness of the American character, and of American diplomacy, if the secretary, avoiding cavils about the form of the commission, had said to the minister of Buenos Ayres, "at the present moment we do not intend to recognize you, or to receive or to send a minister to you."

But among the charges which gentlemen have industriously brought together, the House has been told of factions prevailing in Buenos Ayres. Do not factions exist everywhere? Are they not to be found in the best regulated and most firmly established governments? Respecting the Carreras, public information is abused; they were supposed to have had improper views, designs hostile to the existing government, and it became necessary to deprive them of the power of doing mischief. And what is the fact respecting the alleged arrest of American citizens? Buenos Ayres has been organizing an army to attack Chili. Carrera arrives at the river La Plata with some North Americans; he had before defeated the revolution in Chili, by withholding his co-operation; the government of Buenos Ayres therefore said to him, We do not want your resources; our own army is operating; if you carry yours there, it may produce dissension, and cause the loss of liberty; you shall not go. On his opposing this course, what was done which has called forth the sympathy of gentlemen? He and those who attended him from this country were put in confinement, but only long enough to permit the operations of the Buenos Ayrean army to go on; they were then permitted to go, or made their escape to Montevideo, and afterward where they pleased. With respect to the conduct of that government, only recall the attention of gentlemen to the orders which have lately emanated from it, for the regulation of privateers, which has displayed a solicitude to guard against irregularity, and to respect the

rights of neutrals, not inferior to that ever shown by any government, which has on any occasion attempted to regulate this licentious mode of warfare.

The honorable gentleman from Georgia commenced his remarks the other day by an animadversion which he might well have spared, when he told us, that even the prayers of the chaplain of this House had been offered up in behalf of the patriots. And was it reprehensible, that an American chaplain, whose cheeks are furrowed by age, and his head as white as snow, who has a thousand times, during our own Revolution, implored the smiles of heaven on our exertions, should indulge in the pious and patriotic feelings flowing from his recollections of our own Revolution? Ought he to be subject to animadversion for so doing in a place where he can not be heard? Ought he to be subject to animadversion for soliciting the favor of heaven on the same cause as that in which we fought the good fight, and conquered our independence? I trust not.

But the gentleman from Georgia, it appears, can see no parallel between our Revolution and that of the Spanish provinces. Their revolution, in its commencement, did not aim at complete independence, neither did ours. Such is the loyalty of the Creole character, that although groaning under three hundred years of tyranny and oppression, they have been unwilling to cast off their allegiance to that throne, which has been the throne of their ancestors. But, looking forward to a redress of wrongs, rather than a change of government, they gradually, and perhaps at first unintentionally, entered into a revolution. I have it from those who have been actively engaged in our Revolution, from that venerable man (Chancellor Wythe), whose memory I shall ever cherish with filial regard, that, a very short time before our Declaration of Independence, it would have been impossible to have got a majority of Congress to declare it. Look at the language of our petitions of that day, carrying our loyalty to the foot of the throne, and avowing our anxiety to remain under the crown of our ancestors; independence was then not even remotely suggested as our object.

The present state of facts, and not what has passed and gone in South America, must be consulted. At the present moment, the patriots of the South are fighting for liberty and independence; for precisely what we fought. But their revolution, the gentleman told the House, was stained by scenes which had not occurred in ours. If so, it was because execrable outrages had been committed upon them by troops of the mother country, which were not upon us. Can it be believed, if the slaves had been let loose upon us in the South, as they have been let loose in Venezuela; if quarter had been refused; capitulations violated; that General Washington, at the head of the armies of the United States, would not have resorted to retribution? Retaliation is sometimes mercy, mercy to both parties. The only means by which the coward's soul that indulges in such enormities can be reached, is to show to him that they will be visited by severe but just retribution. There are traits in the history of this rev-

olution, which show what deep root liberty has taken in South America. I will state an instance. The only hope of a wealthy and reputable family was charged, at the head of a small force, with the care of the magazine of the army. He saw that it was impossible to defend it. "Go," said he to his companions in arms, "I alone am sufficient for its defense." The assailants approached; he applied a match and blew up the magazine, with himself, scattering death and destruction on his enemy. There is another instance of the intrepidity of a female of the patriot party. A lady in New Granada had given information to the patriot forces, of plans and instructions by which the capital might be invaded. She was put upon the rack to divulge her accomplices. She bore the torture with the greatest fortitude, and died exclaiming, "You shall not hear it from my mouth; I will die, and may those live who can free my country."

But the House has been asked, and asked with a triumph worthy of a better cause, why recognize this republic? Where is the use of it? And is it possible that gentlemen can see no use in recognizing this republic? For what did this republic fight? To be admitted into the family of nations. Tell the nations of the world, says Pucyrredon, in his speech, that we already belong to their illustrious rank. What would be the powerful consequences of a recognition of their claim? I ask my honorable friend before me (General Bloomfield), the highest sanction of whose judgment in favor of my proposition, I fondly anticipate, with what anxious solicitude, during our Revolution, he and his glorious compatriots turned their eyes to Europe and asked to be recognized—I ask him, the patriot of '76, how the heart rebounded with joy, on the information that France had recognized us? The moral influence of such a recognition, on the patriot of the South, will be irresistible. He will derive assurance from it, of his not having fought in vain. In the constitution of our natures there is a point, to which adversity may pursue us, without perhaps any worse effect than that of exciting new energy to meet it. Having reached that point, if no gleam of comfort breaks through the gloom, we sink beneath the pressure, yielding reluctantly to our fate, and in hopeless despair lose all stimulus to exertion. And is there not reason to fear such a fate to the patriots of La Plata? Already enjoying independence for eight years, their ministers are yet spurned from the courts of Europe, and rejected by the government of a sister republic. Contrast this conduct of ours with our conduct in other respects. No matter whence the minister comes, be it from a despotic power, we receive him; and even now, the gentleman from Maryland, (Mr. Smith) would have us send a minister to Constantinople, to beg a passage through the Dardanelles to the Black Sea, that I suppose, we might get some hemp and bread-stuffs there, of which we ourselves produce none—he, who can see no advantage to the country from opening to its commerce the measureless resources of South America, would sent a minister to Constantinople for a little trade. Nay, I have seen a project in the newspapers, and I should not be surprised, after what we have already

seen, at its being carried into effect, for sending a minister to the Porte. Yes, sir, from Constantinople, or from the Brazils; from Turk or Christian; from black or white; from the dey of Algiers or the bey of Tunis; from the devil himself, if he wore a crown, we should receive a minister. We even paid the expenses of the minister of his sublime highness, the bey of Tunis, and thought ourselves highly honored by his visit. But let the minister come from a poor republic, like that of La Plata, and we turn our back on him. The brilliant costumes of the ministers of the royal governments are seen glistening in the circles of our drawing-rooms, and their splendid equipages rolling through the avenues of the metropolis; but the unaccredited minister of the republic, if he visit our President or Secretary of State at all, must do it *incognito*, less the eye of Don Onis should be offended by so unseemly a sight! I hope the gentleman from South Carolina, who is so capable of estimating the effect of moral causes, will see some use in recognizing the independence of La Plata. I appeal to the powerful effect of moral causes, manifested in the case of the French Revolution, when by their influence, that nation swept from about her the armies of the combined powers, by which she was environed, and rose up, the colossal power of Europe. There is an example of the effect of moral power. All the patriots ask, all they want at our hands, is, to be recognized as, what they have been for the last eight years, an independent power.

But, it seems, we dare not do this, lest we tread on sacred ground; and a honorable gentleman from Virginia (Mr. Smyth), who, when he has been a little longer in this House, will learn to respect its powers, calls it an usurpation on the part of this House. Has the gentleman weighed the terms which he employed? If I mistake not, the gentleman, in the debate respecting the power to make internal improvements, called that too a usurpation on the part of this House. That power, too, however, he admitted to belong to the executive, and traced it to an imperial source, informing us that Cæsar or somebody else, had exercised it. Sir, the gentleman has mistaken his position here; he is a military chieftain, and an admirable defender of executive authority, but he has yet to learn his horn-book as to the powers of this branch of the Legislature. Usurpation is arrogating to yourself authority which is vested elsewhere. But what is it that I propose, to which this term has been applied? To appropriate money to pay a foreign minister his outfit and a year's salary. If that be a usurpation, we have been usurping power from the commencement of the government to the present time. The chairman of the committee of ways and means has never reported an appropriation bill without some instance of this usurpation.

There are three modes under our Constitution, in which a nation may be recognized: by the executive receiving a minister; secondly, by its sending one thither; and, thirdly, this House unquestionably has the right to recognize, in the exercise of the constitutional power of Congress to regulate

foreign commerce. To receive a minister from a foreign power, is an admission that the party sending him is sovereign and independent. So the sending a minister, as ministers are never sent but to sovereign powers, is a recognition of the independence of the power to whom the minister is sent. Now, the honorable gentleman from South Carolina would prefer the expression of our opinion by a resolution, independent of the appropriation bill. If the gentleman will vote for it in that shape, I will readily gratify him; all that I want to do is, to convey to the president an expression of our willingness, that the Government of Buenos Ayres should be recognized. Whether it shall be done by receiving a minister or sending one, is quite immaterial. It is urged, that there may be an impropriety in sending a minister, not being certain, after what has passed, that he will be received; but that is one of the questions submitted to the discretion of the executive, which he will determine upon a view of all the circumstances; and who, of course, will previously have an understanding, that our minister will be duly respected. If gentlemen desire to know what a minister from us is to do, I would have him congratulate the republic on the establishment of free government and on their liberation from the ancient dynasty of Spain; assure it of the interest we feel in its welfare, and of our readiness to concur in any arrangement which may be advantageous to our mutual interests. Have we not a minister at the Brazils, a nation lying alongside of the provinces of La Plata; and, considering the number of slaves in it, by no means so formidable as the latter, and about equi-distant from us. In reference to the strength of the two powers, that of La Plata is much stronger, and the government of Brazil, trembling under the apprehension of the effect of the arms of La Plata, has gone further than any other power to recognize its independence, having entered into a military convention with the republic, by which each power guaranties the possessions of the other. And we have exchanged ministers with the Brazils. The one, however, is a *kingdom*, the other a *republic;* and if any gentleman can assign any other better reason why a minister should be sent to one and not to the other of these powers, I shall be glad to hear it disclosed, for I have not been able myself to discover it.

A gentleman yesterday told the House that the news from Buenos Ayres was unfavorable. Take it altogether, I believe it is not. But I put but little trust in such accounts. In our Revolution, incredulity of reports and newspaper stories, propagated by the enemy, was so strengthened by experience, that at last, nothing was believed which was not attested by the signature of "Charles Thomson." I am somewhat similarly situated; I can not believe these reports; I wish to see "Charles Thomson" before I give full credit to them. The vessel which has arrived at Baltimore—and by the way, by its valuable cargo of specie, hides, and tallow, gives evidence of a commerce worth pursuing—brought some rumor of a difference between Artigas and the authorities of Buenos Ayres. With respect to the Banda Oriental, which is said to be occupied by Artigas, it constitutes but

a very subordinate part of the territory of the United Provinces of La Plata; and it can be no more objection to recognizing the nation, because that province is not included within its power, than it could have been to our recognition, because several States held out against the adoption of the Constitution. Before I attach any confidence to a letter not signed "Charles Thomson," I must know who the man is who writes it, what are his sources of information, his character for veracity, and so forth, and of all those particulars, we are deprived of the information, in the case of the recent intelligence in the Baltimore papers, as extracted from private letters.

But we are charged, on the present occasion, with treading on sacred ground. Let me suppose, what I do not believe to be the case, that the president has expressed an opinion one way and we another. At so early a period of our government, because a particular individual fills the presidential chair—an individual whom I highly respect, more perhaps than some of those who would be considered his exclusive friends—is the odious doctrine to be preached here, that the chief magistrate can do no wrong? Is the doctrine of passive obedience and non-resistance, are the principles of the Stuarts, to be revived in this free government? Is an opinion to be suppressed and scouted, because it is in opposition to the opinion of the president? Sir, as long as I have a seat on this floor, I shall not hesitate to exert the independence which belongs to the representative character; I shall not hesitate to express my opinions, coincident or not with those of the executive. But I can show that this cry has been raised on the present occasion without reason. Suppose a case—that the president had sent a minister to Buenos Ayres, and this House had been called on to make an appropriation for the payment of his salary. I ask of gentlemen, whether in that case they would not have voted an appropriation? And has not the House a right to deliberate on the propriety of doing so, as well before, as after a minister is sent? Will gentlemen please to point out the difference? I contend that we are the true friends of the executive; and that the title does not belong to those who have taken it. We wish to extend his influence, and give him patronage; to give him means, as he has now the power, to send another minister abroad. But, apart from this view of the question, as regards the executive power, this House has the incontestable right to recognize a foreign nation in the exercise of its power to regulate commerce with foreign nations. Suppose, for example, we pass an act to regulate trade between the United States and Buenos Ayres, the existence of the nation would be thereby recognized, as we could not regulate trade with a nation which does not exist.

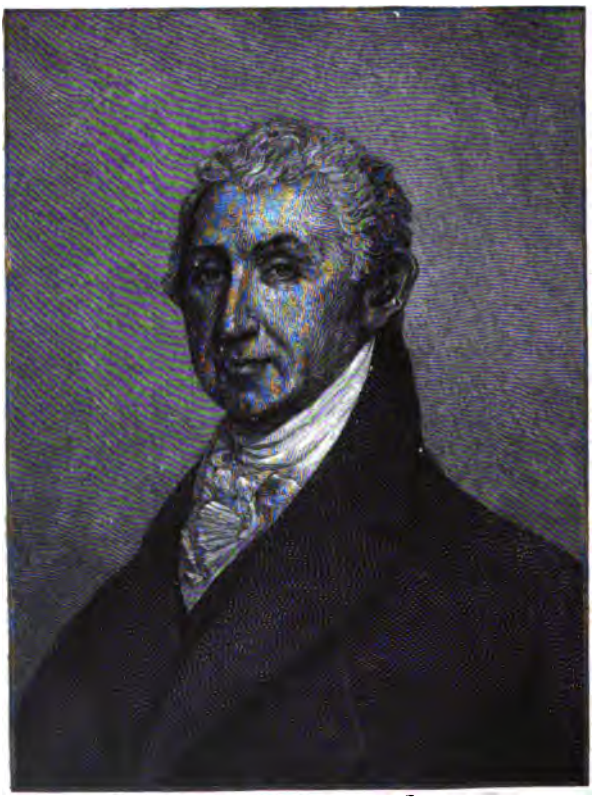
The gentleman from Maryland (Mr. Smith) and the gentleman from Virginia (Mr. Smyth), the great champions of executive power, and the opponents of legislative authority, have contended that recognition would be cause of war. These gentlemen are reduced to this dilemma. If it is cause of war, the executive ought not to have the right to produce a war upon the country, without consulting Congress. If it is no cause of war.

it is an act which there is no danger in performing. There is very little difference in principle, between vesting the executive with the power of declaring war, or with the power of necessarily leading the country into war, without consulting the authority to whom the power of making war is confided. But I deny that it is cause of war; but if it is, the sense of Congress ought certainly in some way or other to be taken on it, before that step is taken. I know that some of the most distinguished statesmen in the country have taken the view of this subject, that the power to recognize the independence of any nation does not belong to the president; that it is a power too momentous and consequential in its character, to belong to the executive. My own opinion, I confess, is different, believing the power to belong to either the president or Congress, and that it may, as most convenient, be exercised by either. If aid is to be given to afford which will be cause of war, however, Congress alone can give it.

This House, then, has the power to act on the subject, even though the president has expressed an opinion, which he has not, further than, as appears by the report of the Secretary of State, to decide that in January last, it would not be proper to recognize them. But the president stands pledged to recognize the republic, if on the return of the commissioners whom he has deputed, they shall make report favorable to the stability of the government. Suppose the chairman of the committee of foreign relations had reported a provision for an appropriation of that description which I propose, should we not all have voted for it? And can any gentleman be so pliant, as, on the mere ground of an executive recommendation, to vote an appropriation without exercising his own faculties on the question; and yet, when there is no such suggestion, will not even so far act for himself as to determine whether a republic is so independent that we may fairly take the step of recognition of it? I hope that no such submission to the executive pleasure will characterize this House.

One more remark, and I have done. One gentleman told the House that the population of the Spanish provinces is eighteen millions; that we, with a population of two millions only, conquered our independence; and that, if the southern provinces willed it, they must be free. This population, I have already stated, consists of distinct nations, having but little, if any, intercourse, the largest of which is Mexico; and they are so separated by immense distances, that it is impossible there should be any co-operation between them. Besides, they have difficulties to encounter which we had not. They have a noblesse; they are divided into jealous castes, and a vast proportion of Indians; to which adding the great influence of the clergy, and it will be seen how widely different the circumstances of Spanish America are, from those under which the Revolution in this country was brought to a successful termination. I have already shown how deep-rooted is the spirit of liberty in that country. I have instanced the little island of Margarita, against which the whole force of Spain has been in vain directed—containing a population of only sixteen

thousand souls, but where every man, woman and child, is a Grecian soldier, in defense of freedom. For many years the spirit of freedom has been struggling in Venezuela, and Spain has been unable to conquer it. Morillo, in an official dispatch, transmitted to the minister of marine of his own country, avows that Angostura, and all Guayana are in possession of the patriots, as well as all that country from which supplies can be drawn. According to the last accounts, Bolivar and other patriot commanders, are concentrating their forces, and are within one day's march of Morillo; and if they do not forsake the Fabian policy, which is the true course for them, the result will be, that even the weakest of the whole of the provinces of Spanish America, will establish their independence, and secure the enjoyment of those rights and blessings which rightfully belong to them.



JAMES MONROE.

ON THE SEMI[illegible]

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ON THE SEMINOLE WAR.

IN THE HOUSE OF REPRESENTATIVES, JANUARY, 1819.

[WHEN it is considered that the following speech has had more influence on the history and destiny of the United States, than any single event since the commencement of the nineteenth century, it should be read, for that cause alone, with profound interest and attention. And how has it had such influence? Simply because it decided the question, whether Andrew Jackson or Henry Clay should, from that moment, rise to a position of control over the counsels and policy of the nation, to run on for ages—perhaps forever. It was a speech which could never be forgiven by General Jackson, and which may be regarded as the moral cause of his relative ascendancy with the American people over Mr. Clay. Other subsequent events fell into line with this, such as the charge of bargain and corruption in the election of Mr. Adams, in 1825, and augmented the force of the current; but here, in this speech, was the beginning of that eternal enmity which General Jackson carried in his bosom against Mr. Clay. But Mr. Clay could never calculate consequences to himself, when duty summoned him to a field of combat; and the repeated disclaimers found in this speech of all intention or willingness on his part, to disparage General Jackson's military fame, or to impeach the motives of his conduct in these affairs, should be accepted as pledges, not that he loved Cæsar less, but Rome more. Now that the passions of that hour have subsided, and all concerned have passed from the stage of life, the verdict of a calm review of that history may safely be trusted. There were political reasons at that time for sustaining General Jackson, both with the administration (Mr. Monroe's) and with Congress. Mr. Monroe, indeed, was mixed up in the affair, and had loaned his sanction to the general's course. Mr. Calhoun, however, of the Cabinet, is understood to have disapproved of the general's conduct, and to have taken strong ground, in Cabinet councils, against him, which fact was not known to

General Jackson, until Mr. Van Buren discolsed it to him during the first term of his presidency, when Mr. Calhoun was vice-president, and a candidate for the presidency, Mr. Van Buren being his rival. Hence the beginning of the feud between General Jackson and Mr. Calhoun, which grew into a hatred toward the latter, like that which existed in the general's mind toward Mr. Clay, originating in precisely the same cause; and hence General Jackson's opposition to the claims of Mr. Calhoun to be his successor, and his preference of Mr. Van Buren. As soon as Mr. Van Buren had whispered this secret in General Jackson's ear, the general (then president) wrote to Mr. Calhoun (the vice-president) and demanded to know if the facts were so; and unable to deny it, Mr. Calhoun took the ground, that no one had a right to question him about Cabinet secrets. Having his adversary thus cornered, General Jackson took Mr. Van Buren's account of the matter as true, and acted accordingly. It was true. Mr. Clay and Mr. Calhoun were now equally out of favor, and equally hated; and Mr. Van Buren was henceforth in the ascendant for the succession; and he did succeed: for General Jackson's popularity was such that he had only to name his successor, to secure his election. Mr. Clay could afford the contest, and bide his time; for he had bottom to stand upon. But from that hour, Mr. Calhoun's political fortunes were rapidly on the wane. From that hour, Mr. Calhoun was always in a false position, and never got right. He was soon involved in Nullification, and General Jackson declared he would hang him; which, perhaps, he would have done, if Mr. Clay and his friends had not come to his rescue by the Compromise of 1833.

The resolutions of censure on General Jackson, supported by the following speech, and opposed by the administration, were voted down, by majorities ranging from thirty to forty-six, in a House of one hundred and seventy members. There were numerous speeches on both sides, from the ablest members of the House, and it was one of the most animated debates ever sustained in that body. Mr. Clay spoke twice, but the other speech was not preserved.

Now that the parties to that question are all gone, and since the political reasons which controlled it have ceased to operate, Mr. Clay's speech can be read without bias. It will now be felt that every sentence, and every word of it, is true and weighty. Such will be the verdict of all coming time; and the principles involved are immensely important. Nothing but a reluctance to

censure the hero of New Orleans could have led to such a decision. No one can read this speech without having his sympathies powerfully excited, or without feeling that patriotism, soaring above all personal considerations, is the highest and noblest virtue of the statesman. Such a vindication of humanity in war, and of those principles of public law which have softened its horrors, composes one of the brightest pages of American history.]

Mr. Chairman: In rising to address you, sir, on the very interesting subject which now engages the attention of Congress, I must be allowed to say, that all inferences drawn from the course which it will be my painful duty to take in this discussion, of unfriendliness either to the chief magistrate of the country, or to the illustrious military chieftain whose operations are under investigation, will be wholly unfounded. Toward that distinguished captain, who shed so much glory on our country, whose renown constitutes so great a portion of its moral property, I never had, I never can have, any other feelings than those of the most profound respect, and of the utmost kindness. With him my acquaintance is very limited, but, so far as it has extended, it has been of the most amicable kind. I know the motives which have been, and which will again be attributed to me, in regard to the other exalted personage alluded to. They have been and will be unfounded. I have no interest, other than that of seeing the concerns of my country well and happily administered. It is infinitely more gratifying to behold the prosperity of my country advancing by the wisdom of the measures adopted to promote it, than it would be to expose the errors which may be committed, if there be any, in the conduct of its affairs. Little as has been my experience in public life, it has been sufficient to teach me that the most humble station is surrounded by difficulties and embarrassments. Rather than throw obstructions in the way of the president, I would precede him, and pick out those, if I could, which might jostle him in his progress; I would sympathize with him in his embarrassments, and commiserate with him in his misfortunes. It is true that it has been my mortification to differ from that gentleman on several occasions. I may be again reluctantly compelled to differ from him; but I will with the utmost sincerity, assure the committee, that I have formed no resolution, come under no engagements, and that I never will form any resolution, or contract any engagements, for systematic opposition to his administration, or to that of any other chief magistrate.

I beg leave further to premise, that the subject under consideration, presents two distinct aspects, susceptible, in my judgment, of the most clear and precise discrimination. The one I will call its foreign, the other its domestic aspect. In regard to the first, I will say, that I approve entirely of the conduct of our government, and that Spain has no cause of com-

plaint. Having violated an important stipulation of the treaty of 1795, that power has justly subjected herself to all the consequences which ensued upon the entry into her dominions, and it belongs not to her to complain of those measures which resulted from her breach of contract; still less has she a right to examine into the considerations connected with the domestic aspect of the subject.

What are the propositions before the committee? The first in order, is that reported by the military committee, which asserts the disapprobation of this House, of the proceedings in the trial and execution of Arbuthnot and Ambrister. The second, being the first contained in the proposed amendment, is the consequenae of that disapprobation, and contemplates the passage of a law to prohibit the execution hereafter of any captive, taken by the army, without the approbation of the president. The third proposition is, that this House disapproves of the forcible seizure of the Spanish posts, as contrary to orders, and in violation of the Constitution. The fourth proposition, as the result of the last, is, that a law shall pass to prohibit the march of the army of the United States, or any corps of it, into any foreign territory, without the previous authorization of Congress, except it be in fresh pursuit of a defeated enemy. The first and third are general propositions, declaring the sense of the House in regard to the evils pointed out; and the second and fourth, propose the legislative remedies against the recurrence of those evils.

It will be at once perceived, by this simple statement of the propositions, that no other censure is proposed against General Jackson himself, than what is merely consequential. His name even does not appear in any of the resolutions. The Legislature of the country, in reviewing the state of the Union, and considering the events which have transpired since its last meeting, finds that particular occurrences, of the greatest moment, in many respects, have taken place near our southern border. I will add, that the House has not sought, by any officious interference with the doings of the executive, to gain jurisdiction over this matter. The president, in his message at the opening of the session, communicated the very information on which it was proposed to act. I would ask for what purpose? That we should fold our arms and yield a tacit acquiescence, even if we supposed that information disclosed alarming events, not merely as it regards the peace of the country, but in respect to its Constitution and character? Impossible. In communicating these papers, and voluntarily calling the attention of Congress to the subject, the president must himself have intended, that we should apply any remedy that we might be able to devise. Having the subject thus regularly and fairly before us, and proposing merely to collect the sense of the House upon certain important transactions which it discloses, with the view to the passage of such laws as may be demanded by the public interest, I repeat, that there is no censure anywhere, except such as is strictly consequential upon our legislative action. The supposition of every new law, having for its object to

prevent the recurrence of evil, is, that something has happened which ought not to have taken place, and no other than this indirect sort of censure will flow from the resolutions before the committee.

Having thus given my view of the nature and character of the propositions under consideration, I am far from intimating that it is not my purpose to go into a full, a free, and a thorough investigation of the facts, and of the principles of law, public, municipal, and constitutional, involved in them. And, while I trust I shall speak with the decorum due to the distinguished officers of the government whose proceedings are to be examined, I shall exercise the independence which belongs to me as a representative of the people, in freely and fully submitting my sentiments.

In noticing the painful incidents of this war, it is impossible not to inquire into its origin. I fear that it will be found to be the famous treaty of Fort Jackson, concluded in August, 1814; and I must ask the indulgence of the chairman while I read certain parts of that treaty.

"Whereas, an unprovoked, inhuman, sanguinary war, waged by the hostile Creeks against the United States, hath been repelled, prosecuted, and determined, successfully on the part of the said States, in conformity with principles of national justice and honorable warfare: and, whereas, consideration is due to the rectitude of proceedings dictated by instructions relating to the re-establishing of peace: Be it remembered that, prior to the conquest of that part of the Creek nation hostile to the United States, numberless aggressions had been committed against the peace, the property, and the lives of citizens of the United States, and those of the Creek nation in amity with her, at the mouth of Duck River, Fort Mimms, and elsewhere, contrary to national faith and the regard due to an article of the treaty concluded at New York, in the year 1790, between the two nations; that the United States, previous to the perpetration of such outrage, did, in order to insure future amity and concord between the Creek nation and the said States, in conformity with the stipulations of former treaties, fulfill, with punctuality and good faith, her engagements to the said nation; that more than two thirds of the whole number of chiefs and warriors of the Creek nation, disregarding the genuine spirit of existing treaties, suffered themselves to be instigated to violations of their national honor and the respect due to a part of their own nation faithful to the United States and the principles of humanity, by impostors, denominating themselves prophets, and by the duplicity and misrepresentations of foreign emissaries, whose governments are at war, open or understood, with the United States.

"Article 2. The United States will guaranty to the Creek nation the integrity of all their territory eastwardly and northwardly of the said line (described in the first article), to be run and described as mentioned in the first article.

"Article 3. The United States demand that the Creek nation abandon all communication, and cease to hold intercourse with any British post, garrison, or town; and that they shall not admit among them any agent or trader who shall not derive authority to hold commercial or other intercourse with them, by license of the president or other authorized agent of the United States.

"Article 4. The United States demand an acknowledgment of the right to establish military posts and trading-houses, and to open roads within the ter-

ritory guarantied to the Creek nation by the second article, and a right to the free navigation of all its waters.

"Article 5. The United States demand that a surrender be immediately made, of all the persons and property taken from the citizens of the United States, the friendly part of the Creek nation, the Cherokee, Chickasaw, and Choctaw nations, to the respective owners; and the United States will cause to be immediately restored to the formerly hostile Creeks all the property taken from them since their submission, either by the United States, or by any Indian nations in amity with the United States, together with all the prisoners taken from them during the war.

"Article 6. The United States demand the caption and surrender of all the prophets and instigators of the war, whether foreigners or natives, who have not submitted to the arms of the United States, and become parties to these articles of capitulation, if ever they shall be found within the territory guarantied to the Creek nation by the second article.

"Article 7. The Creek nation being reduced to extreme want, and not, at present, having the means of subsistence, the United States, from motives of humanity, will continue to furnish gratuitously the necessaries of life, until the crops of corn can be considered competent to yield the nation a supply, and will establish trading-houses in the nation, at the discretion of the President of the United States, and at such places as he shall direct, to enable the nation, by industry and economy, to procure clothing."

I have never perused this instrument until within a few days past, and I have read it with the deepest mortification and regret. A more dictatorial spirit I have never seen displayed in any instrument. I would challenge an examination of all the records of diplomacy, not excepting even those in the most haughty period of imperial Rome, ~~when she was carrying her arms into the barbarian nations that surrounded her,~~ and I do not believe a solitary instance can be found of such an inexorable spirit of domination pervading a compact purporting to be a treaty of peace. It consists of the most severe and humiliating demands—of the surrender of a large territory; of the privilege of making roads through the remnant which was retained; of the right of establishing trading-houses; of the obligation of delivering into our hands their prophets! And all this of a wretched people reduced to the last extremity of distress, whose miserable existence we have to preserve by a voluntary stipulation to furnish them with bread! When did the all-conquering and desolating Rome ever fail to respect the altars and the gods of those whom she subjugated? Let me not be told that these prophets were impostors who deceived the Indians. They were *their* prophets; the Indians believed and venerated them, and it is not for us to dictate a religious belief to them. It does not belong to the holy character of the religion which we profess, to carry its precepts, by the force of the bayonet, into the bosoms of other people. Mild and gentle persuasion was the great instrument employed by the meek founder of our religion. We leave to the humane and benevolent efforts of the reverend professors of Christianity to convert from barbarism those unhappy nations

yet immersed in its gloom. But, sir, spare them their prophets! spare their delusions! spare their prejudices and superstitions! spare them even their religion, such as it is, from open and cruel violence. When, sir, was that treaty concluded? On the very day, after the protocol was signed, of the first conference between the American and British commissioners, treating of peace, at Ghent. In the course of that negotiation, pretensions so enormous were set up by the other party that, when they were promulgated in this country, there was one general burst of indignation throughout the continent. Faction itself was silenced, and the firm and unanimous determination of all parties was, to fight until the last man fell in the ditch rather than submit to such ignominious terms.

What a contrast is exhibited between the cotemporaneous scenes of Ghent and of Fort Jackson! what a powerful voucher would the British commissioners have been furnished with, if they could have got hold of that treaty! The United States demand, the United States demand, is repeated five or six times. And what did the preamble itself disclose? That two thirds of the Creek nation had been hostile, and one third only friendly to us. Now I have heard (I can not vouch for the truth of the statement), that not one hostile chief signed the treaty. I have also heard that perhaps one or two of them did. If the treaty were really made by a minority of the nation, it was not obligatory upon the whole nation. It was void, considered in the light of a national compact. And, if void, the Indians were entitled to the benefit of the provision of the ninth article of the treaty of Ghent, by which we bound ourselves to make peace with any tribes with whom we might be at war on the ratification of the treaty and to restore to them their lands, as they held them in 1811. I do not know how the honorable Senate, that body for which I hold so high a respect, could have given their sanction to the treaty of Fort Jackson, so utterly irreconcilable as it is with those noble principles of generosity and magnanimity which I hope to see my country always exhibit, and particularly toward the miserable remnant of the aborigines. It would have comported better with those principles to have imitated the benevolent policy of the founder of Pennsylvania, and to have given to the Creeks conquered as they were, even if they had made an unjust war upon us, the trifling consideration, to them an adequate compensation, which he paid for their lands. That treaty, I fear, has been the main cause of the recent war. And, if it has been, it only adds another melancholy proof to those with which history already abounds, that hard and unconscionable terms, extorted by the power of the sword and the right of conquest, serve but to whet and stimulate revenge, and to give old hostilities, smothered, not extinguished, by the pretended peace, greater exasperation and more ferocity. A truce, thus patched up with an unfortunate people, without the means of existence, without bread, is no real peace. The instant there is the slightest prospect of relief from such harsh and severe conditions, the conquered party will fly to arms, and spend the last drop of blood rather than live in

such degraded bondage. Even if you again reduce him to submission, the expenses incurred by this second war, to say nothing of the human lives that are sacrificed, will be greater than what it would have cost you to grant him liberal conditions in the first instance. This treaty, I repeat, was, I apprehend, the cause of the war. It led to the excesses on our southern borders which began it. Who first commenced them, it is perhaps difficult to ascertain. There was, however, a paper on this subject, communicated at the last session by the president, that told, in language pathetic and feeling, an artless tale; a paper that carried such internal evidence at least of the belief of the authors of it that they were writing the truth, that I will ask the favor of the committee to allow me to read it.

"*To the Commanding Officer at Fort Hawkins:*

"DEAR SIR;

"Since the last war, after you sent word that we must quit the war, we, the red people, have come over on this side. The white people *have carried all the red people's cattle off.* After the war, I sent to all my people to let the white people alone, and stay on this side of the river; and they did so; but the white people *still continue so carry off their cattle.* Bernard's son was here, and I inquired of him what was to be done; and he said we must go to the head man of the white people and *complain.* I did so, and there was no head white man, and *there was no law in this case.* The whites first began, and there is nothing said about that; but great complaint *about what the Indians do.* This is now three years since the white people killed three Indians; since that time they have killed *three other Indians,* and taken their horses, and what they had; and this summer they killed *three more;* and very likely they killed one more. We sent word to the white people that these murders were done, and the answer was, that they were people who were *outlaws,* and we ought to go and kill them. The white people killed our people first; the Indians then took satisfaction. There are yet three men that the red people have never taken satisfaction for. You have wrote that there were houses burned; but we know of no such thing being done; the truth, in such cases, ought to be told, but this appears otherwise. On that side of the river, the white people have killed five Indians, but there is nothing said about that; and all that the Indians have done is brought up. *All the mischief the white people have done, ought to be told to their head man.* When there is any thing done, you write to us; but never write to your head man what the white people do. When the red people send talks or write, they always send the truth. You have sent to us for your horses, and we sent all that we could find; but there was some dead. It appears that all the mischief is laid on this town; but all the mischief that has been done by this town, is two horses; one of them is dead, and the other was sent back. The cattle that we are accused of taking, were cattle *that the white people took from us.* Our young men went and brought them back, with the same marks and brands. There were some of our young men out hunting, and they were killed; others went to take satisfaction, and the kettle of one of the men that was killed was found in the house where the woman and two children were killed; and they supposed it had been her husband who had killed the Indians, and took

their satisfaction there. We are accused of killing the Americans, and so on; but since the word was sent to us that peace was made, we stay steady at home, *and meddle with no person.* You have sent to us respecting the black people on the Suwany river; we having nothing to do with them. They were put there by the English, and to them you ought to apply for any thing about them. We do not wish our country desolated by an army passing through it, for the concern of other people. The Indians have slaves there also; a great many of them. When we have an opportunity, we shall apply to the English for them; but we can not get them now.

"This is what we have to say at present.

"Sir, I conclude by subscribing myself,

"Your humble servant, etc.

"September, the 11th day, 1817.

"N. B. There are ten towns have read this letter, and this is the answer.

"*A true copy of the original.* WM. BELL, Aid-de-camp."

I should be very unwilling to assert, in regard to this war, that the fault was on our side; I fear it was. I have heard that a very respectable gentleman, now no more, who once filled the executive chair of Georgia, and who, having been agent of Indian affairs in that quarter, had the best opportunity of judging of the origin of this war, deliberately pronounced it as his opinion, that the Indians were not in fault. I am far from attributing to General Jackson any other than the very slight degree of blame that attaches to him as the negotiator of the treaty of Fort Jackson, and will be shared by those who subsequently ratified and sanctioned that treaty. But if there be even a doubt as to the origin of the war, whether we were censurable or the Indians, that doubt will serve to increase our regret at any distressing incidents which may have occurred, and to mitigate, in some degree, the crimes which we impute to the other side. I know that when General Jackson was summoned to the field, it was too late to hesitate; the fatal blow had been struck, in the destruction of Fowl-town, and the dreadful massacre of Lieutenant Scott and his detachment; and the only duty which remained to him, was to terminate this unhappy contest.

The first circumstance which, in the course of his performing that duty, fixed our attention, has filled me with regret. It was the execution of the Indian chiefs. How, I ask, did they come into our possession? Was it in the course of fair, and open, and honorable war? No; but by means of deception—by hoisting foreign colors on the staff from which the stars and stripes should alone have floated. Thus insnared, the Indians were taken on shore; and without ceremony, and without delay, were hung. Hang an Indian! We, sir, who are civilized, and can comprehend and feel the effect of moral causes and considerations, attach ignominy to that mode of death. And the gallant, and refined, and high-minded man, seeks by all possible means to avoid it. But what cares an Indian whether you hang or shoot him? The moment he is captured, he is considered by

his tribe as disgraced, if not lost. They, too, are indifferent about the manner in which he is dispatched. But I regard the occurrence with grief, for other and higher considerations. It was the first instance that I know of, in the annals of our country, in which retaliation, by executing Indian captives, has ever been deliberately practiced. There may have been exceptions, but if there were, they met with cotemporaneous condemnation, and have been reprehended by the just pen of impartial history. The gentleman from Massachusetts may tell me, if he chooses, what he pleases about the tomahawk and scalping-knife; about Indian enormities, and foreign miscreants and incendiaries. I, too, hate them; from my very soul I abominate them. But I love my country, and its Constitution; I love liberty and safety, and fear military despotism more, even, than I hate the monsters. The gentleman, in the course of his remarks, alluded to the State from which I have the honor to come. Little, sir, does he know of the high and magnanimous sentiments of the people of that State, if he supposes they will approve of the transaction to which he referred. Brave and generous, humanity and clemency toward a fallen foe constitute one of their noblest characteristics. Amid all the struggles for that fair land, between the natives and the present inhabitants, I defy the gentleman to point out one instance, in which a Kentuckian had stained his hand by—nothing but my high sense of the distinguished services and exalted merits of General Jackson, prevents my using a different term—the execution of an unarmed and prostrate captive. Yes, there is one solitary exception, in which a man, enraged at beholding an Indian prisoner who had been celebrated for his enormities, and who had destroyed some of his kindred, plunged his sword into his bosom. The wicked deed was considered as an abominable outrage when it occurred, and the name of the man has been handed down to the execration of posterity. I deny your right thus to retaliate on the aboriginal proprietors of the country; and unless I am utterly deceived, it may be shown that it does not exist. But before I attempt this, allow me to make the gentleman from Massachusetts a little better acquainted with those people, to whose feelings and sympathies he has appealed through their representative. During the late war with Great Britain, Colonel Campbell, under the command of my honorable friend from Ohio (General Harrison), was placed at the head of a detachment, consisting chiefly, I believe, of Kentucky volunteers, in order to destroy the Mississinaway towns. They proceeded and performed the duty, and took some prisoners. And here is the evidence of the manner in which they treated them.

"But the character of this gallant detachment, exhibiting, as it did, perseverance, fortitude, and bravery, would, however, be incomplete, if in the midst of victory, they had forgotten the feelings of humanity. It is with the sincerest pleasure that the general has heard, that the most punctual obedience was paid to his orders, in not only saving all the women and children, but in *sparing all the warriors who ceased to resist;* and that even when vigorously attacked by

the enemy, the claims of mercy prevailed over every sense of their own danger, and this heroic band *respected the lives of their prisoners.* Let an account of murdered innocence be opened in the records of heaven, against our enemies alone. The American soldier will follow the example of his government, and the sword of the one will not be against the fallen and the helpless, nor the gold of the other be paid for scalps of a massacred enemy."

I hope, sir, the honorable gentleman will now be able better to appreciate the character and conduct of my gallant countrymen, than he appears hitherto to have done.

But, sir, I have said that you have no right to practice, under color of retaliation, enormities on the Indians. I will advance in support of this position, as applicable to the origin of all law, the principle, that whatever has been the custom, from the commencement of a subject, whatever has been the uniform usage, coeval and coexistent with the subject to which it relates, becomes its fixed law. Such is the foundation of all common law; and such, I believe, is the principal foundation of all public or international law. If, then, it can be shown that from the first settlement of the colonies, on this part of the American continent, to the present time, we have constantly abstained from retaliating upon the Indians the excesses practiced by them toward us, we are morally bound by this invariable usage, and can not lawfully change it without the most cogent reasons. So far as my knowledge extends, from the first settlement at Plymouth or at Jamestown, it has not been our practice to destroy Indian captives, combatants or non combatants. I know of but one deviation from the code which regulates the warfare between civilized communities, and that was the destruction of Indian towns, which was suppoeed to be authorized upon the ground that we could not bring the war to a termination but by destroying the means which nourished it. With this single exception, the other principles of the laws of civilized nations are extended to them, and are thus made law in regard to them.

When did this humane custom, by which, in consideration of their ignorance, and our enlightened condition, the rigors of war were mitigated, begin? At a time when we were weak, and they comparatively strong; when they were the lords of the soil, and we were seeking, from the vices, from the corruptions, from the religious intolerance, and from the oppressions of Europe, to gain an asylum among them. And when it is proposed to change this custom, to substitute for it the bloody maxims of barbarous ages, and to interpolate the Indian public law with revolting cruelties! At a time when the situation of the two parties is totally changed—when we are powerful and they are weak—at a time when, to use a figure drawn from their own sublime eloquence, the poor children of the forest have been driven by the great wave which has flowed in from the Atlantic ocean almost to the base of the Rocky Mountains, and, overwhelming them in its terrible progress, has left no other remains of hundreds of tribes, now extinct, than those which indicate the remote existence of their former

companion, the mammoth of the new world! Yes, sir, it is at this auspicious period of our country, when we hold a proud and lofty station among the first nations of the world, that we are called upon to sanction a departure from the established laws and usages which have regulated our Indian hostilities. And does the honorable gentleman from Massachusetts expect, in this august body, this enlightened assembly of Christians and Americans, by glowing appeals to our passions, to make us forget our principles, our religion, our clemency, and our humanity? Why is it that we have not practiced toward the Indian tribes the right of retaliation, now for the first time asserted in regard to them? It is because it is a principle proclaimed by reason and enforced by every respectable writer on the law of nations, that retaliation is only justifiable as calculated to produce effect in the war. Vengeance is a new motive for resorting to it. If retaliation will produce no effect on the enemy, we are bound to abstain from it by every consideration of humanity and of justice. Will it, then, produce effect on the Indian tribes? No; they care not about the execution of those of their warriors who are taken captive. They are considered as disgraced by the very circumstance of their captivity, and it is often mercy to the unhappy captive to deprive him of his existence. The poet evinced a profound knowledge of the Indian character, when he put into the mouth of a son of a distinguished chief, about to be led to the stake and tortured by his victorious enemy, the words:

> "Begin, ye tormentors! your threats are in vain:
> The son of Alknomook will never complain."

Retaliation of Indian excesses, not producing then any effect in preventing their repetition, is condemned by both reason and the principles upon which alone, in any case, it can be justified. On this branch of the subject much more might be said, but as I shall possibly again allude to it, I will pass from it for the present, to another topic.

It is not necessary, for the purpose of my argument in regard to the trial and execution of Arbuthnot and Ambrister, to insist on the innocency of either of them. I will yield for the sake of that argument, without inquiry, that both of them were guilty; that both had instigated the war; and that one of them had led the enemy to battle. It is possible, indeed, that a critical examination of the evidence would show, particularly in the case of Arbuthnot, that the whole amount of his crime consisted in his trading, without the limits of the United States, with the Seminole Indians, in the accustomed commodities which form the subject of Indian trade, and that he sought to ingratiate himself with his customers by espousing their interests, in regard to the provision of the treaty of Ghent, which he may have honestly believed entitled them to the restoration of their lands. And if, indeed, the treaty of Fort Jackson, for the reasons already assigned, were not binding upon the Creeks, there would be but too much cause to lament his unhappy if not unjust fate. The first impression made

on the examination of the proceedings in the trial and execution of those two men is, that on the part of Ambrister there was the most guilt, but, at the same time, the most irregularity. Conceding the point of guilt of both, with the qualification which I have stated, I will proceed to inquire, first, if their execution can be justified upon the principles assumed by General Jackson himself. If they do not afford a justification, I will next inquire, if there be any other principles authorizing their execution; and I will in the third place make some other observations upon the mode of proceeding.

The principle assumed by General Jackson, which may be found in his general orders commanding the execution of these men, is, "that it is an established principle of the law of nations, that any individual of a natior making war against the citizens of any other nation, they being at peace, forfeits his allegiance, and becomes an outlaw, and a pirate." Whatever may be the character of individuals waging private war, the principle assumed is totally erroneous when applied to such individuals associated with a power, whether Indian or civilized, capable of maintaining the relations of peace and war. Suppose, however, the principle were true, as asserted, what disposition should he have made of these men? What jurisdiction, and how acquired, has the military over pirates, robbers, and outlaws? If they were in the character imputed, they were alone amenable, and should have been turned over to, the civil authority. But the principle, I repeat, is totally incorrect, when applied to men in their situation. A foreigner connecting himself with a belligerent, becomes an enemy of the party to whom that belligerent is opposed, subject to whatever he may be subject, entitled to whatever he is entitled. Arbuthnot and Ambrister, by associating themselves, became identified with the Indians; they became our enemies, and we had a right to treat them as we could lawfully treat the Indians. These positions are so obviously correct, that I shall consider it an abuse of the patience of the committee to consume time in their proof. They are supported by the practice of all nations, and of our own. Every page of history, in all times, and the recollection of every member, furnish evidence of their truth. Let us look for a moment into some of the consequences of this principle, if it were to go to Europe, sanctioned by the approbation, express or implied, of this House. We have now in our armies probably the subjects of almost every European power. Some of the nations of Europe maintain the doctrine of perpetual allegiance. Suppose Britain and America in peace, and America and France at war. The former subjects of England, naturalized and unnaturalized, are captured by the navy or army of France. What is their condition? According to the principle of General Jackson, they would be outlaws and pirates, and liable to immediate execution. Are gentlemen prepared to return to their respective districts with this doctrine in their mouths, and to say to their Irish, English, Scotch, and other foreign constituents, that they are liable, on the contingency supposed, to be treated as outlaws and pirates?

Is there any other principle which justifies the proceedings? On this subject, if I admire the wonderful ingenuity with which gentlemen seek a colorable pretext for those executions, I am at the same time shocked at some of the principles advanced. What said the honorable gentleman from Massachusetts (Mr. Holmes), in a cold address to the committee? Why, that these executions were only the wrong mode of doing a right thing. A wrong mode of doing the right thing! In what code of public law; in what system of ethics; nay, in what respectable novel; where, if the gentleman were to take the range of the whole literature of the world, will he find any sanction for a principle so monstrous? I will illustrate its enormity by a single case. Suppose a man, being guilty of robbery, is tried, condemned, and executed, for murder, upon an indictment for that robbery merely. The judge is arraigned for having executed, contrary to law, a human being, innocent at heart of the crime for which he was sentenced. The judge has nothing to do, to insure his own acquittal, but to urge the gentleman's plea, that he had done a right thing in a wrong way!

The principles which attached to the cases of Arbuthnot and Ambrister, constituting them merely *participes* in the war, supposing them to have been combatants, which the former was not, he having been taken in a Spanish fortress, without arms in his hands, all that we could possibly have a right to do, was to apply to them the rules which we had a right to enforce against the Indians. Their English character was only merged in their Indian character. Now, if the law regulating Indian hostilities be established by long and immemorial usage, that we have no moral right to retaliate upon them, we consequently had no right to retaliate upon Arbuthnot and Ambrister. Even if it were admitted that, in regard to future wars, and to other foreigners, their execution may have a good effect, it would not thence follow that you had a right to execute them. It is not always just to do what may be advantageous. And retaliation, during a war, must have relation to the events of that war, and must, to be just, have an operation on that war, and upon the individuals only who compose the belligerent party. It becomes gentlemen, then, on the other side, to show, by some known, certain, and recognized rule of public or municipal law, that the execution of these men was justified. Where is it? I should be glad to see it. We are told in a paper emanating from the Department of State, recently laid before this House, distinguished for the fervor of its eloquence, and of which the honorable gentleman from Massachusetts has supplied us in part with a second edition, in one respect agreeing with the prototype—that they both ought to be inscribed to the American public—we are justly told in that paper, that this is the *first* instance of the execution of persons for the crime of instigating Indians to war. Sir, there are two topics which, in Europe, are constantly employed by the friends and minions of legitimacy against our country. The one is an inordinate spirit of aggrandizement—of coveting other people's goods;

the other is the treatment which we extend to the Indians. Against both these charges, the public servants who conducted at Ghent the negotiations with the British commissioners, endeavored to vindicate our country, and I hope with some degree of success. What will be the condition of future American negotiators when pressed upon this head, I know not, after the unhappy executions on our southern border. The gentleman from Massachusetts seemed yesterday to read, with a sort of triumph, the names of the commissioners employed in the negotiation at Ghent. Will he excuse me for saying, that I thought he pronounced, even with more complacency and with a more gracious smile, the first name in the commission, than he emphasized that of the humble individual who addresses you?

[Mr. Holmes desired to explain.]

There is no occasion for explanation; I am perfectly satisfied.

[Mr. Holmes, however, proceeded to say that his intention was, in pronouncing the gentleman's name, to add, to the respect due to the negotiator, that which was due to the Speaker of this House.]

To return to the case of Arbuthnot and Ambrister. Will the principle of these men having been the instigators of the war, justify their execution? It is a new one; there are no landmarks to guide us in its adoption, or to prescribe limits in its application. If William Pitt had been taken by the French army, during the late European war, could France have justifiably executed him on the ground of his having notoriously instigated the continental powers to war against France? Would France, if she had stained her character by executing him, have obtained the sanction of the world to the act, by appeals to the passions and prejudices, by pointing to the cities sacked, the countries laid waste, the human lives sacrificed in the wars which he had kindled, and by exclaiming to the unfortunate captive, You, miscreant, monster, have occasioned all these scenes of devastation and blood? What has been the conduct even of England toward the greatest instigator of all the wars of the present age? The condemnation of that illustrious man to the rock of St. Helena, is a great blot on the English name. And I repeat what I have before said, that if Chatham, or Fox, or even William Pitt himself, had been prime minister in England, Bonaparte had never been so condemned. On that transaction history will one day pass its severe but just censure. Yes, although Napoleon had desolated half Europe; although there was scarcely a power, however humble, that escaped the mighty grasp of his ambition; although in the course of his splendid career, he is charged with having committed the greatest atrocities, disgraceful to himself and to human nature, yet even his life has been spared. The allies would not, England would not, execute him upon the ground of his being an instigator of wars.

The mode of the trial and sentencing of these men was equally object-

ionable with the principles on which it has been attempted to prove a forfeiture of their lives. I know the laudable spirit which prompted the ingenuity displayed in finding out a justification for these proceedings. I wish most sincerely that I could reconcile them to my conscience. It has been attempted to vindicate the general upon grounds which I am persuaded he would himself disown. It has been asserted, that he was guilty of a mistake in calling upon the court to try them, and that he might at once have ordered their execution, without that formality. I deny that there was any such absolute right in the commander of any portion of our army. The right of retaliation is an attribute of sovereignty. It is comprehended in the war-making power that Congress possesses. It belongs to this body not only to declare war, but to raise armies, and to make rules and regulations for their government. It is in vain for gentlemen to look to the law of nations for instances in which retaliation is lawful. The laws of nations merely lay down the principle or rule; it belongs to the government to constitute the tribunal for applying that principle or rule. There is, for example, no instance in which the death of a captive is more certainly declared by the law of nations to be justifiable, than in the case of spies. Congress has accordingly provided, in the rules and articles of war, a tribunal for the trial of spies, and consequently for the application of the principle of the national law. The Legislature has not left the power over spies undefined, to the mere discretion of the commander-in-chief, or of any subaltern officer in the army. For, if the doctrines now contended for were true, they would apply to the commander of any corps, however small, acting as a detachment. Suppose Congress had not legislated in the case of spies, what would have been their condition? It would have been a *casus omissus*, and although the public law pronounced their doom, it could not be executed, because Congress had assigned no tribunal for enforcing that public law. No man can be executed in this free country without two things being shown—first, that the law condemns him to death; and, secondly, that his death is pronounced by that tribunal which is authorized by the law to try him. These principles will reach every man's case, native or foreign, citizen or alien. The instant quarters are granted to a prisoner, the majesty of the law surrounds and sustains him, and he can not be lawfully punished with death without the concurrence of the two circumstances just insisted upon. I deny that any commander-in-chief, in this country, has this absolute power of life and death, at his sole discretion. It is contrary to the genius of all our laws and institutions. To concentrate in the person of one individual the powers to make the rule, to judge and to execute the rule, or to judge and execute the rule only, is utterly irreconcilable with every principle of free government, and is the very definition of tyranny itself; and I trust that this House will never give even a tacit assent to such a principle. Suppose the commander had made even reprisals on property, would that property have belonged to the nation, or could he have disposed of it as he pleased? Had he more power,

will gentlemen tell me, over the lives of human beings than over property? The assertion of such a power to the commander-in-chief is contrary to the practice of the government.

By an act of Congress which passed in 1799, vesting the power of retaliation in certain cases in the president of the United States—an act which passed during the quasi war with France—the president is authorized to retaliate upon any of the citizens of the French republic, the enormities which may be practiced, in certain cases, upon our citizens. Under what administration was this act passed? It was under that which has been justly charged with stretching the Constitution to enlarge the executive powers. Even during the mad career of Mr. Adams, when ever means was resorted to for the purpose of infusing vigor into the executive arm, no one thought of claiming for him the inherent right of retaliation. I will not trouble the House with reading another law, which passed thirteen or fourteen years after, during the late war with Great Britain, under the administration of that great constitutional president, the father of the instrument itself, by which Mr. Madison was empowered to retaliate on the British in certain instances. It is not only contrary to the genius of our institutions, and to the uniform practice of the government, but it is contrary to the obvious principles on which the general himself proceeded; for, in forming the court, he evidently intended to proceed under the rules and articles of war. The extreme number which they provide for is thirteen, precisely that which is detailed in the present instance. The court proceeded not by a bare plurality, but by a majority of two thirds. In the general orders issued from the adjutant-general's office, at head-quarters, it is described as a court-martial. The prisoners are said, in those orders, to have been tried, "on the following charges and specifications." The court understood itself to be acting as a court-martial. It was so organized, it so proceeded, having a judge advocate, hearing witnesses, and the written defense of the miserable trembling prisoners, who seemed to have a presentiment of their doom. And the court was finally dissolved. The whole proceeding manifestly shows, that all parties considered it as a court-martial, convened and acting under the rules and articles of war. In his letter to the Secretary of War, noticing the transaction, the general says, "these individuals were tried under my orders, legally convicted as exciters of this savage and negro war, legally condemned, and most justly punished for their iniquities." The Lord deliver us from such legal conviction and such legal condemnation! The general himself considered the laws of his country to have justified his proceedings. It is in vain then to talk of a power in him beyond the law, and above the law, when he himself does not assert it. Let it be conceded that he was clothed with absolute authority over the lives of those individuals, and that, upon his own fiat, without trial, without defense, he might have commanded their execution. Now, if an absolute sovereign, in any particular respect, promulgates a rule, which he pledges himself to observe, if he subsequently deviates from that rule, he

subjects himself to the imputation of odious tyranny. If General Jackson had the power, without a court, to condemn these men, he had also the power to appoint a tribunal. He did appoint a tribunal, and became, therefore, morally bound to observe and execute the sentence of that tribunal. In regard to Ambrister, it is with grief and pain I am compelled to say, that he was executed in defiance of all law; in defiance of the law to which General Jackson had voluntarily, if you please, submitted himself, and given, by his appeal to the court, his implied pledge to observe. I know but little of military law, and what has happened, has certainly not created in me a taste for acquiring a knowledge of more; but I believe there is no example on record, where the sentence of the court has been erased, and a sentence not pronounced by it carried into execution. It has been suggested that the court had pronounced two sentences, and that the general had a right to select either. Two sentences! Two verdicts! It was not so. The first being revoked, was as though it had never been pronounced. And there remained only one sentence, which was put aside upon the sole authority of the commander, and the execution of the prisoner ordered. He either had or had not a right to decide upon the fate of that man, with the intervention of a court. If he had the right, he waived it, and having violated the sentence of the court, there was brought upon the judicial administration of the army a reproach, which must occasion the most lasting regret.

However guilty these men were, they should not have been condemned or executed without the authority of the law. I will not dwell, at this time, on the effect of these precedents in foreign countries; but I shall not pass unnoticed their dangerous influence in our own country. Bad examples are generally set in the cases of bad men, and often remote from the central government. It was in the provinces that were laid the abuses and the seeds of the ambitious projects which overturned the liberties of Rome. I beseech the committee not to be so captivated with the charms of eloquence, and the appeals made to our passions and our sympathies, as to forget the fundamental principles of our government. The influence of a bad example will often be felt, when its authors and all the circumstances connected with it are no longer remembered. I know of but one analogous instance of the execution of a prisoner, and that has brought more odium than almost any other incident on the unhappy Emperor of France. I allude to the instance of the execution of the unfortunate member of the Bourbon house. He sought an asylum in the territories of Baden. Bonaparte dispatched a corps of gen-d'armes to the place of his retreat, seized him, and brought him to the dungeons of Vincennes. He was there tried by a court-martial, condemned, and shot. There, as here, was a violation of neutral territory; there, the neutral ground was not stained with the blood of him whom it should have protected. And there is another most unfortunate difference for the American people. The Duke d'Enghein was executed according to his sentence. It is said by the defenders of Napo-

leon, that the duke had been machinating not merely to overturn the French government, but against the life of its chief. If that were true, he might, if taken in France, have been legally executed. Such was the odium brought upon the instruments of this transaction, that those persons who have been even suspected of participation in it, have sought to vindicate themselves from what they appeared to have considered as an aspersion, before foreign courts. In conclusion of this part of my subject, I most cheerfully and entirely acquit General Jackson of any intention to violate the laws of the country, or the obligations of humanity. I am persuaded, from all that I have heard, that he considered himself as equally respecting and observing both. With respect to the purity of his intentions, therefore, I am disposed to allow it in the most extensive degree. Of his acts, it is my duty to speak, with the freedom which belongs to my station. And I shall now proceed to consider some of them, of the most momentous character, as it regards the distribution of, the powers of government.

Of all the powers conferred by the Constitution of the United States, not one is more expressly and exclusively granted, than that which gives to Congress the power to declare war. The immortal Convention who formed that instrument, had abundant reason, drawn from every page of history, for confiding this tremendous power to the deliberate judgment of the representatives of the people. It was there seen, that nations are often precipitated into ruinous war, from folly, from pride, from ambition, and from the desire of military fame. It was believed, no doubt, in committing this great subject to the Legislature of the Union, we should be safe from the mad wars that have afflicted, and desolated, and ruined other countries. It was supposed, that before any war was declared, the nature of the injury complained of, would be carefully examined, and the power and resources of the enemy estimated, and the power and resources of our own country, as well as the probable issue and consequences of the war. It was to guard our country against precisely that species of rashness which has been manifested in Florida, that the Constitution was so framed. If, then, this power, thus cautiously and clearly bestowed upon Congress, has been assumed and exercised by any other functionary of the government, it is cause of serious alarm, and it becomes this body to vindicate and maintain its authority by all the means in its power; and yet there are some gentlemen, who would have us not merely to yield a tame and silent acquiescence in the encroachment, but even to pass a vote of thanks to the author.

On the 25th of March, 1818, the President of the United States communicated a message to Congress in relation to the Seminole war, in which he declared, that although, in the prosecution of it, orders had been given to pass into the Spanish territory, they were so guarded as that the local authorities of Spain should be respected. How respected? The president, by the documents accompanying the message, the orders themselves which issued from the Department of War to the commanding gen-

eral, had assured the Legislature that, even if the enemy should take shelter under a Spanish fortress, the fortress was not to be attacked, but the fact to be reported to that department for further orders. Congress saw, therefore, that there was no danger of violating the existing peace. And yet on the same 25th day of March (a most singular concurrence of dates), when the representatives of the people received this solemn message, announced in the presence of the nation and in the face of the world, and in the midst of a friendly negotiation with Spain, does General Jackson write from his head-quarters, that he shall take St. Marks as a necessary dépôt for his military operations! The general states, in his letter, what he had heard about the threat on the part of the Indians and negroes, to occupy the fort, and declares his purpose to possess himself of it, in either of the two contingencies, of its being in their hands, or in the hands of the Spaniards. He assumed a right to judge what Spain was bound to do by her treaty, and judged very correctly; but then he also assumed the power, belonging to Congress alone, of determining what should be the effect and consequence of her breach of engagement. General Jackson generally performs what he intimates his intention to do. Accordingly, finding St. Marks yet in the hands of the Spaniards, he seized and occupied it. Was ever, I ask, the just confidence of the legislative body, in the assurances of the chief magistrate, more abused? The Spanish commander intimated his willingness that the American army should take post near him, until he could have instructions from his superior officer, and promised to maintain, in the mean time, the most friendly relations. No! St. Marks was a convenient post for the American army, and delay was inadmissible. I have always understood that the Indians but rarely take or defend fortresses, because they are unskilled in the modes of attack and defense. The threat, therefore, on their part, to seize on St. Marks, must have been empty, and would probably have been impossible. At all events, when General Jackson arrived there, no danger any longer threatened the Spaniards, from the miserable fugitive Indians, who fled on all sides, upon his approach. And, sir, upon what plea is this violation of orders, and this act of war upon a foreign power, attempted to be justified? Upon the grounds of the conveniency of the dépôt and the Indian threat. The first I will not seriously examine and expose. If the Spanish character of the fort had been totally merged in the Indian character, it might have been justifiable to seize it. But that was not the fact; and the bare possibility of its being forcibly taken by the Indians, could not justify our anticipating their blow. Of all the odious transactions which occurred during the late war between France and England, none was more condemned in Europe and in this country, than her seizure of the fleet of Denmark, at Copenhagen. And I lament to be obliged to notice the analogy which exists in the defenses made of the two cases.

If my recollection does not deceive me, Bonaparte had passed the Rhine

and the Alps, had conquered Italy, the Netherlands, Holland, Hanover, Lubec, and Hamburg, and extended his empire as far as Altona, on the side of Denmark. A few days' march would have carried him through Holstein, over the two Belts, through Funen, and into the island of Zealand. What then was the conduct of England? It was my lot to fall into conversation with an intelligent Englishman on this subject. "We knew (said he) that we were fighting for our existence. It was absolutely necessary that we should preserve the command of the seas. If the fleet of Denmark fell into the enemy's hands, combined with his other fleets, that command might be rendered doubtful. Denmark had only a nominal independence. She was, in truth, subject to his sway. We said to her, Give us your fleet; it will otherwise be taken possession of by your secret and our open enemy. We will preserve it, and restore it to you whenever the danger shall be over. Denmark refused. Copenhagen was bombarded, gallantly defended, but the fleet was seized." Everywhere the conduct of England was censured; and the name even of the negotiator who was employed by her, who was subsequently the minister near this government, was scarcely ever pronounced here without coupling with it an epithet indicating his participation in the disgraceful transaction. And yet we are going to sanction acts of violence, committed by ourselves, which but too much resemble it! What an important difference, too, between the relative condition of England and of this country! She, perhaps, was struggling for her existence. She was combating, single handed, the most enormous military power that the world has ever known. With whom were we contending? With a few half-starved, half-clothed, wretched Indians, and fugitive slaves. And while carrying on this inglorious war, inglorious as it regards the laurels or renown won in it, we violate neutral rights, which the government had solemnly pledged itself to respect, upon the principle of convenience, or upon the light presumption that, by possibility, a post might be taken by this miserable combination of Indians and slaves.

On the 8th of April the general writes from St. Marks that he shall march for the Suwaney river; the destroying of the establishments on which will, in his opinion, bring the war to a close. Accordingly, having effected that object, he writes, on the 20th of April, that he believes he may say that the war is at an end for the present. He repeats the same opinion in his letter to the Secretary of War, written six days after. The war being thus ended, it might have been hoped that no further hostilities would be committed. Bnt on the 23d of May, on his way home, he receives a letter from the commandant of Pensacola, intimating his surprise at the invasion of the Spanish territory, and the acts of hostility performed by the American army, and his determination, if persisted in, to employ force to repel them. Let us pause and examine the proceeding of the governor, so very hostile and affrontive in the view of General Jackson. Recollect that he was governor of Florida; that he had received no orders

from his superiors to allow a passage to the American army; that he had heard of the reduction of St. Marks; and that General Jackson, at the head of his army, was approaching in the direction of Pensacola. He had seen the president's message of the 25th of March, and reminded General Jackson of it, to satisfy him that the American government could not have authorized all those measures. I can not read the allusion made by the governor to that message without feeling that the charge of insincerity which it implied had, at least, but too much the appearance of truth in it. Could the governor have done less than write some such letter? We have only to reverse situations, and suppose him to have been an American governor. General Jackson says that when he received that letter he no longer hesitated. No, sir, he did no longer hesitate. He received it on the 23d, he was in Pensacola on the 24th, and immediately after set himself before the fortress of San Carlos de Barancas, which he shortly reduced. *Veni, vidi, vici.* Wonderful energy! Admirable promptitude! Alas! that it had not been an energy and a promptitude within the pale of the Constitution, and according to the orders of the chief magistrate. It is impossible to give any definition of war that would not comprehend these acts. It was open, undisguised, and unauthorized hostility

The honorable gentleman from Massachusetts has endeavored to derive some authority to General Jackson from the message of the president, and the letter of the Secretary of War to Governor Bibb. The message declares that the Spanish authorities are to be respected wherever maintained. What the president means by their being maintained is explained in the orders themselves, by the extreme case being put of the enemy seeking shelter under a Spanish fort. If even in that case he was not to attack, certainly he was not to attack in any case of less strength. . The letter to Governor Bibb admits of a similar explanation. When the secretary says, in that letter, that General Jackson is fully empowered to bring the Seminole war to a conclusion, he means that he is so empowered by his orders, which, being now before us, must speak for themselves. It does not appear that General Jackson ever saw that letter, which was dated at this place after the capture of St. Marks. I will take a momentary glance at the orders.

On the 2d of December, 1817, General Gaines was forbidden to cross the Florida line. Seven days after, the Secretary of War having arrived here, and infused a little more energy into our councils, he was authorized to use a sound discretion in crossing or not. On the 16th, he was instructed again to consider himself at liberty to cross the line, and pursue the enemy; but, if he took refuge under a Spanish fortress, the fact was to be reported to the Department of War. These orders were transmitted to General Jackson, and constituted, or ought to have constituted, his guide. There was then no justification for the occupation of Pensacola, and the attack on the Barancas, in the message of the president, the letter to Governor Bibb, or in the orders themselves. The gentleman

from Massachusetts will pardon me for saying, that he has undertaken what even his talents are not competent to—the maintenance of directly contradictory propositions, that it was right in General Jackson to take Pensacola, and wrong in the president to keep it. The gentleman has made a greater mistake than he supposes General Jackson to have done in attacking Pensacola for an Indian town, by attempting the defense both of the president and General Jackson. If it were right in him to seize the place, it is impossible that it should have been right in the president immediately to surrender it. We, sir, are the supporters of the president. We regret that we can not support General Jackson also. The gentleman's liberality is more comprehensive than ours. I approve with all my heart of the restoration of Pensacola. I think St. Marks ought, perhaps, to have been also restored; but I say this with doubt and diffidence. That the president thought the seizure of the Spanish posts was an act of war, is manifest from his opening message, in which he says that, to have retained them, would have changed our relations with Spain, to do which the power of the executive was incompetent, Congress alone possessing it. The president has, in this instance, deserved well of his country. He has taken the only course which he could have pursued, consistent with the Constitution of the land. And I defy the gentleman to make good both his positions, that the general was right in taking, and the president right in giving up, the posts.

[Mr. Holmes explained.]

The gentleman from Massachusetts is truly unfortunate; fact or principle is always against him. The Spanish posts were not in the possession of the enemy. One old Indian only was found in the Barancas, none in Pensacola, none in St. Marks. There was not even the color of a threat of Indian occupation as it regards Pensacola and the Barancas. Pensacola was to be restored unconditionally, and might, therefore, immediately have come into the possession of the Indians, if they had the power and the will to take it. The gentleman is in a dilemma from which there is no escape. He gave up General Jackson when he supported the president, and gave up the president when he supported General Jackson. I rejoice to have seen the president manifesting, by the restoration of Pensacola, his devotedness to the Constitution. When the whole country was ringing with plaudits for its capture, I said, and I said alone, in the limited circle in which I moved, that the president must surrender it; that he could not hold it. It is not my intention to inquire, whether the army was or was not constitutionally marched into Florida. It is not a clear question, and I am inclined to think that the express authority of Congress ought to have been asked. The gentleman from Massachusetts will allow me to refer to a part of the correspondence at Ghent different from that which he has quoted. He will find the condition of the Indians there accurately defined. And it is widely variant from the gentleman's ideas on this sub-

ject. The Indians, inhabiting the United States, according to the statement of the American commissioners at Ghent, have a qualified sovereignty only, the supreme sovereignty residing in the government of the United States. They live under their own laws and customs, may inhabit and hunt their lands; but acknowledge the protection of the United States, and have no right to sell their lands but to the government of the United States. Foreign powers or foreign subjects have no right to maintain any intercourse with them, without our permission. They are not, therefore, independent nations, as the gentleman supposes. Maintaining the relation described with them, we must allow a similar relation to exist between Spain and the Indians residing within her dominions. She must be, therefore regarded as the sovereign of Florida, and we are, accordingly, treating with her for the purchase of it. In strictness, then, we ought first to have demanded of her to restrain the Indians, and, that failing, we should have demanded a right of passage for our army. But, if the president had the power to march an army into Florida, without consulting Spain, and without the authority of Congress, he had no power to authorize any act of hostility against her. If the gentleman had even succeeded in showing that an authority was conveyed by the executive to General Jackson to take the Spanish posts, he would only have established that unconstitutional orders had been given, and thereby transferred the disapprobation from the military officer to the executive. But no such orders were, in truth, given. The president acted in conformity to the Constitution, when he forbade the attack of a Spanish fort, and when, in the same spirit, he surrendered the posts themselves.

I will not trespass much longer upon the time of the committee; but I trust I shall be indulged with some few reflections upon the danger of permitting the conduct on which it has been my painful duty to animadvert, to pass without a solemn expression of the disapprobation of this House. Recall to your recollection the free nations which have gone before us. Where are they now?

> Gone glimmering through the dream of things that were,
> A school-boy's tale, the wonder of an hour."

And how have they lost their liberties? If we could transport ourselves back to the ages when Greece and Rome flourished in their greatest prosperity, and mingling in the throng, should ask a Grecian if he did not fear that some daring military chieftain, covered with glory, some Philip or Alexander, would one day overthrow the liberties of his country, the confident and indignant Grecian would exclaim, No! no! we have nothing to fear from our heroes; our liberties will be eternal. If a Roman citizen had been asked, if he did not fear that the conqueror of Gaul might establish a throne upon the ruins of public liberty, he would have instantly repelled the unjust insinuation. Yet Greece fell; Cæsar passed the Rubicon, and the patriotic arm even of Brutus could not preserve the liberties of his

devoted country! The celebrated Madame de Staël, in her last and perhaps her best work, has said, that in the very year, almost the very month, when the president of the directory declared that monarchy would never more show its frightful head in France, Bonaparte, with his grenadiers, entered the palace of St. Cloud, and dispersing, with the bayonet, the deputies of the people, deliberating on the affairs of the state, laid the foundation of that vast fabric of despotism which overshadowed all Europe. I hope not to be misunderstood; I am far from intimating that General Jackson cherishes any designs inimical to the liberties of the country. I believe his intentions to be pure and patriotic. I thank God that he would not, but I thank him still more that he could not if he would, overturn the liberties of the Republic. But precedents, if bad, are fraught with the most dangerous consequences. Man has been described, by some of those who have treated of his nature, as a bundle of habits. The definition is much truer when applied to governments. Precedents are their habits. There is one important difference between the formation of habits by an individual and by governments. He contracts it only after frequent repetition. A single instance fixes the habit and determines the direction of governments. Against the alarming doctrine of unlimited discretion in our military commanders when applied even to prisoners of war, I must enter my protest. It begins upon them; it will end on us. I hope our happy form of government is to be perpetual. But, if it is to be preserved, it must be by the practice of virtue, by justice, by moderation, by magnanimity, by greatness of soul, by keeping a watchful and steady eye on the executive; and, above all, by holding to a strict accountability the military branch of the public force.

We are fighting a great moral battle, for the benefit not only of our country, but of all mankind. The eyes of the whole world are in fixed attention upon us. One, and the largest portion of it, is gazing with contempt, with jealousy, and with envy; the other portion, with hope, with confidence, and with affection. Everywhere the black cloud of legitimacy is suspended over the world, save only one bright spot, which breaks out from the political hemisphere of the west, to enlighten, and animate, and gladden the human heart. Obscure that, by the downfall of liberty here, and all mankind are enshrouded in a pall of universal darkness. To you, Mr. Chairman, belongs the high privilege of transmitting, unimpaired, to posterity, the fair character and liberty of our country. Do you expect to execute this high trust, by trampling or suffering to be trampled down, law, justice, the Constitution, and the rights of the people? by exhibiting examples of inhumanity, and cruelty, and ambition? When the minions of despotism heard, in Europe, of the seizure of Pensacola, how did they chuckle, and chide the admirers of our institutions, tauntingly pointing to the demonstration of a spirit of injustice and aggrandizement made by our country, in the midst of an amicable negotiation! Behold, said they, the conduct of those who are constantly reproaching kings! You saw how

those admirers were astounded and hung their heads. You saw, too, when that illustrious man, who presides over us, adopted his pacific, moderate, and just course, how they once more lifted up their heads with exultation and delight beaming in their countenances. And you saw how those minions themselves were finally compelled to unite in the general praises bestowed upon our government. Beware how you forfeit this exalted character. Beware how you give a fatal sanction, in this infant period of our republic, scarcely yet two-scorey ears old, to military insubordination. Remember that Greece had her Alexander, Rome her Cæsar, England her Cromwell, France her Bonaparte, and that if we would escape the rock, on which they split, we must avoid their errors.

How different has been the treatment of General Jackson, and that modest, but heroic young man, a native of one of the smallest States in the Union, who achieved for his country, on lake Erie, one of the most glorious victories of the late war. In a moment of passion, he forgot himself, and offered an act of violence which was repented of as soon as perpetrated. He was tried, and suffered the judgment to be pronounced by his peers. Public justice was thought not even then to be satisfied. The press and Congress took up the subject. My honorable friend from Virginia (Mr. Johnson), the faithful and consistent sentinel of the law and of the Constitution, disapproved in that instance, as he does in this, and moved an inquiry. The public mind remained agitated and unappeased, until the recent atonement so honorably made by the gallant commodore. And is there to be a distinction between the officers of the two branches of the public service? Are former services, however eminent, to preclude even inquiry into recent misconduct? Is there to be no limit, no prudential bounds to the national gratitude? I am not disposed to censure the president for not ordering a court of inquiry, or a general court-martial. Perhaps, impelled by a sense of gratitude, he determined, by anticipation, to extend to the general that pardon which he had the undoubted right to grant after sentence. Let us not shrink from our duty. Let us assert our constitutional powers, and vindicate the instrument from military violation.

I hope gentlemen will deliberately survey the awful isthmus on which we stand. They may bear down all opposition; they may even vote the general the public thanks; they may carry him triumphantly through this House. But, if they do, in my humble judgment, it will be a triumph of the principle of insubordination, a triumph of the military over the civil authority, a triumph over the powers of this House, a triumph over the Constitution of the land. And I pray most devoutly to Heaven, that it may not prove, in its ultimate effects and consequences, a triumph over the liberties of the people.

ON THE SPANISH TREATY.

IN THE HOUSE OF REPRESENTATIVES, APRIL 3, 1820.

[In a historical point of view, the following speech is chiefly interesting, as it shows contingently what would have been the political results to the United States, in regard to Texas, if Mr. Clay's advice at this time, as set forth and advocated in this speech, had prevailed. The United States then owned the whole of Texas to the Rio Grande, or Rio del Norte. In the Spanish treaty negotiated by Mr. Monroe, in 1819, and ratified in 1820, the considerations given by the United States for Florida were, first, Texas; next, five millions of dollars; thirdly, our claims on Spain, some fifteen millions; and fourthly, about a million of acres of unseated lands in Louisiana, rated by Mr. Clay at ten dollars an acre—ten millions. The third and fourth considerations were contingent, but nevertheless, as Mr. Clay thought, worthy of a reckoning in the account. But the first and second alone were enormous, as compared with the price paid to France for Louisiana. Texas was an immense territory, and of great prospective, though of contingent, value. Politically, it might be invaluable, and it has proved so; for, as a possession of the United States, if it had been retained, its political history would have been very different, and all the cost of annexing Texas, as a foreign State, and the war with Mexico, would have been saved. Florida, as Mr. Clay showed, was doomed to fall into our lap, and nothing would be lost by waiting a little longer. Here is another striking instance of Mr. Clay's far-seeing political sagacity. From twenty to thirty millions for Florida, and throw into the bargain the vast territory of Texas! Was there ever such a folly? In Mr. Clay's Raleigh Letter, of April 17, 1844, he says: "When the treaty was laid before the House of Representatives, being a member of that body, I expressed the opinion which I then entertained, and still hold, that Texas was sacrificed to the acquisition of Florida."*

* Last Seven Years of Henry Clay, p. 26.

The speech of Mr. Clay on this occasion was in support of two resolutions offered by himself, as follows :]

First, resolved, that the Constitution of the United States vests in Congress the power to dispose of the territory belonging to them ; and that no treaty, purporting to alienate any portion thereof, is valid without the concurrence of Congress :

Second, resolved, that the equivalent proposed to be given by Spain to the United States in the treaty concluded between them, on the 22d of February, 1819, for that part of Louisiana lying west of the Sabine, was inadequate ; and that it would be inexpedient to make a transfer thereof to any foreign power, or to renew the aforesaid treaty :

Mr. Clay said, that, while he felt very grateful to the House for the prompt and respectful manner in which they had allowed him to enter upon the discussion of the resolutions which he had the honor of submitting to their notice, he must at the same time frankly say, that he thought their character and consideration, in the councils of this country, were concerned in not letting the present session pass off without deliberating upon our affairs with Spain. In coming to the present session of Congress, it had been his anxious wish to be able to concur with the executive branch of the government in the measures which it might conceive itself called upon to recommend on that subject, for two reasons, of which the first, relating personally to himself, he would not trouble the committee with further noticing. The other was, that it appeared to him to be always desirable, in respect to the foreign action of this government, that there should be a perfect coincidence in opinion between its several co-ordinate branches. In time of peace, however, it might be allowable, to those who are charged with the public interests, to entertain and express their respective views, although there might be some discordance between them. In a season of war there should be no division in the public councils; but a united and vigorous exertion to bring the war to an honorable conclusion. For his part, whenever that calamity may befall his country, he would entertain but one wish, and that is, that success might crown our struggle, and the war be honorably and gloriously terminated. He would never refuse to share in the joys incident to the victory of our arms, nor to participate in the griefs of defeat and discomfiture. He conceded entirely in the sentiment once expressed by that illustrious hero, whose recent melancholy fall we all so sincerely deplore, that fortune may attend our country in whatever war it may be involved.

There are two systems of policy, he said, of which our goverment had had the choice. The first was, by appealing to the justice and affections of Spain, to employ all those persuasives which could arise out of our abstinence from any direct countenance to the cause of South America, and the observance of a strict neutrality. The other was, by appealing to her justice also, and to her fears, to prevail upon her to redress the injuries

of which we complain—her fears by a recognition of the independent governments of South America, and leaving her in a state of uncertainty as to the further step we might take in respect to those governments. The unratified treaty was the result of the first system. It could not be positively affirmed what effect the other system would have produced; but he verily believed that, while it rendered justice to those governments, and would have better comported with that magnanimous policy which ought to have characterized our own, it would have more successfully tended to an amicable and satisfactory arrangement of our differences with Spain.

The first system has so far failed. At the commencement of the session, the president recommended an enforcement of the provisions of the treaty. After three months' deliberation, the committee of foreign affairs, not being able to concur with him, has made us a report, recommending the seizure of Florida in the nature of a reprisal. Now the president recommends our postponement of the subject until the next session. It had been his intention, whenever the committee of foreign affairs should engage the House to act upon their bill, to offer, as a substitute for it, the system which he thought it became this country to adopt, of which the occupation of Texas, as our own, would have been a part, and the recognition of the independent governments of South America another. If he did not now bring forward this system, it was because the committee proposed to withdraw their bill, and because he knew too much of the temper of the House and of the executive, to think that it was advisable to bring it forward. He hoped that some suitable opportunity might occur during the session, for considering the propriety of recognizing the independent governments of South America.

Whatever he might think of the discretion which was evinced in recommending the postponement of the bill of the committee of foreign relations, he could not think that the reasons, assigned by the president for that recommendation, were entitled to the weight which he had given them. He thought the House was called upon, by a high sense of duty, seriously to animadvert upon some of those reasons. He believed it was the first example, in the annals of the country, in which a course of policy, respecting one foreign power, which we must suppose had been deliberately considered, has been recommended to be abandoned, in a domestic communication from one to another co-ordinate branch of the government, upon the avowed ground of the interposition of foreign powers. And what is the nature of this interposition? It is evinced by a cargo of scraps, gathered up from this *chargé d'affaires*, and that; of loose conversations held with this foreign minister, and that—perhaps mere levee conversations, without a commitment in writing, in a solitary instance of any of the foreign parties concerned, except only in the case of his imperial majesty; and what was the character of his commitment we shall presently see. But he must enter his solemn protest again this and every other

species of foreign interference in our matters with Spain. What have they to do with them? Would they not repel as officious and insulting intrusion, any interference on our part in their concerns with foreign states? Would his imperial majesty have listened with complacency to our remonstrances against the vast acquisitions which he has recently made? He has lately crammed his enormous maw with Finland, and with the spoils of Poland, and, while the difficult process of digestion is going on, he throws himself upon a couch, and cries out, Don't, don't disturb my repose.

He charges his minister here to plead the cause of peace and concord! The American "government is too enlightened" (ah! sir, how sweet this unction is, which is poured down our backs), to take hasty steps. And his imperial majesty's minister here is required to engage (Mr. Clay said, he hoped the original expression was less strong, but he believed the French word *engager* bore the same meaning), "the American government," etc. "Nevertheless, the emperor does not interpose in this discussion." No! not he. He makes above all "no pretension to exercise influence in the councils of a foreign power." Not the slightest. And yet, at the very instant when he is protesting against the imputation of this influence, his interposition is proving effectual! His imperial majesty has at least manifested so far, in this particular, his capacity to govern his empire by the selection of a sagacious minister. For if Count Nesselrode had never written another paragraph, the extract from his dispatch to Mr. Poletica, which has been transmitted to this House, will demonstrate that he merited the confidence of his master. It is quite refreshing to read such state papers, after perusing those (he was sorry to say it, he wished there was a vail broad and thick enough to conceal them forever), which this treaty had produced on the part of our government.

Conversations between my Lord Castlereagh and our minister at London had also been communicated to this House. Nothing from the hand of his lordship is produced—no; he does not commit himself in that way. The sense in which our minister understood him, and the purport of certain parts of dispatches from the British government to its minister at Madrid, which he deigned to read to our minister, are alone communicated to us. Now we know very well how diplomatists, when it is their pleasure to do so, can wrap themselves up in mystery. No man more than my Lord Castlereagh, who is also an able minister, possessing much greater talents than are allowed to him generally in this country, can successfully express himself in ambiguous language, when he chooses to employ it. He recollected himself once to have witnessed this facility, on the part of his lordship. The case was this: When Bonaparte made his escape from Elba, and invaded France, a great part of Europe believed it was with the connivance of the British ministry. The opposition charged them, in Parliament, with it, and they were interrogated, to know what measures of precaution they had taken against such an event. Lord Castlereagh

replied by stating that there was an understanding with a certain naval officer of high rank, commanding in the adjacent seas, that he was to act on certain contingences. Now, Mr. Chairman, if you can make any thing intelligible out of this reply, you will have much more success than the English opposition had.

The allowance of interference by foreign powers in the affairs of our government, not pertaining to themselves, is against the counsels of all our wisest politicians—those of Washington, Jefferson, and he would also add those of the present chief magistrate; for, pending this very Spanish negotiation, the offer of the mediation of foreign states was declined, upon the true ground, that Europe had her system, and we ours; and that it was not compatible with our policy to entangle ourselves in the labyrinths of hers. But a mediation is far preferable to the species of interference on which it had been his reluctant duty to comment. The mediator is a judge, placed on high; his conscience his guide, the world his spectators, and posterity his judge. His position is one, therefore, of the greatest responsibility. But what responsibility is attached to this sort of irregular, drawing-room, intriguing interposition? He could see no motive for governing or influencing our policy, in regard to Spain, furnished in any of the communications which respected the disposition of foreign powers. He regretted, for his part, that they had at all been consulted. There was nothing in the character of the power of Spain, nothing in the beneficial nature of the stipulations of the treaty to us, which warranted us in seeking the aid of foreign powers, if in any case whatever that aid were desirable. He was far from saying that, in the foreign action of this govern ment, it might not be prudent to keep a watchful eye upon the probable conduct of foreign powers. That might be a material circumstance to be taken into consideration. But he never would avow to our own people, never promulgate to foreign powers, that their wishes and interference were the controlling cause of our policy. Such promulgation would lead to the most alarming consequences. It was to invite further interposition. It might, in process of time, create in the bosom of our country a Russian faction, a British faction, a French faction. Every nation ought to be jealous of this species of interference, whatever was its form of government. But of all forms of government, the united testimony of all history, admonished a republic to be most guarded against it. From the moment Philip intermeddled with the affairs of Greece, the liberty of Greece was doomed to inevitable destruction.

Suppose, said Mr. Clay, we could see the communications which have passed between his imperial majesty and the British government, respectively, and Spain, in regard to the United States; what do you imagine would be their character? Do you suppose the same language has been held to Spain and to us? Do you not, on the contrary, believe that sentiments have been expressed to her, consoling to her pride? That we have

been represented, perhaps, as an ambitious republic, seeking to aggrandize ourselves at her expense?

In the other ground taken by the president—the present distressed condition of Spain—for his recommendation of forbearance to act during the present session, he was also sorry to say, that it did not appear to him to be solid. He could well conceive, how the weakness of your aggressor might, when he was withholding from you justice, form a motive for your pressing your equitable demands upon him; but he could not accord in the wisdom of that policy which would wait his recovery of strength, so as to enable him successfully to resist those demands. Nor would it comport with the practice of our government heretofore. Did we not, in 1811, when the present monarch of Spain was an ignoble captive, and the people of the peninsula were contending for the inestimable privilege of self-government, seize and occupy that part of Louisiana which is situated between the Mississippi and the Perdido? What must the people of Spain think of that policy which would not spare them, and which commiserates alone an unworthy prince, who ignominiously surrendered himself to the enemy—a vile despot, of whom I can not speak in appropriate language, without departing from the respect due to this House or to myself? What must the people of South America think of this sympathy for Ferdinand, at a moment when they, as well as the people of the peninsula themselves (if we are to believe the late accounts, and God send that they may be true), are struggling for liberty?

Again: when we declared our late just war against Great Britain, did we wait for a moment when she was free from embarrassment or distress; or did we not rather wisely select a period when there was the greatest probability of giving success to our arms? What was the complaint in England; what the language of faction here? Was it not, that we had cruelly proclaimed the war at a time when she was struggling for the liberties of the world? How truly, let the sequel and the voice of impartial history tell.

While he could not, therefore, persuade himself, that the reasons assigned by the president for postponing the subject of our Spanish affairs until another session, were entitled to all the weight which he seemed to think belonged to them, he did not, nevertheless, regret that the particular project recommended by the committee of foreign relations was thus to be disposed of; for it was war—war, attempted to be disguised. And if we went to war, he thought it should have no other limit than indemnity for the past, and security for the future. He had no idea of the wisdom of that measure of hostility which would bind us, while the other party is left free.

Before he proceeded to consider the particular propositions which the resolutions contained, which he had had the honor of submitting, it was material to determine the actual posture of our relations to Spain. He considered it too clear to need discussion, that the treaty was at an end;

that it contained, in its present state, no obligation whatever upon us, and no obligation whatever on the part of Spain. It was, as if it had never been. We are remitted back to the state of our rights and our demands which existed prior to the conclusion of the treaty, with this only difference, that, instead of being merged in, or weakened by the treaty, they had acquired all the additional force which the intervening time, and the faithlessness of Spain, can communicate to them. Standing on this position, he should not deem it necessary to interfere with the treaty-making power, if a fixed and persevering purpose had not been indicated by it, to obtain the revival of the treaty. Now he thought it a bad treaty. The interest of the country, as it appeared to him, forbade its renewal. Being gone, it was perfectly incomprehensible to him, why so much solicitude was manifested to restore it. Yet it is clung to with the same sort of frantic affection with which the bereaved mother hugs her dead infant, in the vain hope of bringing it back to life.

Has the House of Representatives a right to express its opinion upon the arrangement made in that treaty? The president, by asking Congress to carry it into effect, has given us jurisdiction of the subject, if we had it not before. We derive from that circumstance the right to consider, first, if there be a treaty; secondly, if we ought to carry it into effect; and, thirdly, if there be no treaty, whether it be expedient to assert our rights, independent of the treaty. It will not be contended that we are restricted to that specific mode of redress which the president intimated in his opening message.

The first resolution which he had presented, asserted, that the Constitution vests in the Congress of the United States the power to dispose of the territory belonging to them; and that no treaty, purporting to alienate any portion thereof, is valid, without the concurrence of Congress. It was far from his wish to renew at large a discussion of the treaty-making power. The Constitution of the United States had not defined the precise limits of that power, because, from the nature of it, they could not be prescribed. It appeared to him, however, that no safe American statesman would assign to it a boundless scope. He presumed, for example, that it would not be contended that in a government which was itself limited, there was a functionary without limit. The first great bound to the power in question, he apprehended, was, that no treaty could constitutionally transcend the very objects and purposes of the government itself. He thought, also, that wherever there were specific grants of powers to Congress, they limited and controlled, or, he would rather say, modified the exercise of the general grant of the treaty-making power, upon the principle which was familiar to every one. He did not insist, that the treaty-making power could not act upon the subjects committed to the charge of Congress; he merely contended that the concurrence of Congress, in its action upon those subjects, was necessary. Nor would he insist, that the concurrence should precede that action. It would be always most desirable that it should pre-

cede it, if convenient, to guard against the commitment of Congress, on the one hand, by the executive, or on the other, what might seem to be a violation of the faith of the country, pledged for the ratification of the treaty. But he was perfectly aware, that it would be very often highly inconvenient to deliberate, in a body so numerous as Congress, on the nature of those terms on which it might be proper to treat with foreign powers. In the view of the subject which he had been taking, there was a much higher degree of security to the interests of this country. For, with all respect to the president and Senate, it could not disparage the wisdom of their councils, to add to that of this House also. But, if the concurrence of this House be not necessary in the cases asserted, if there be no restriction upon the power he was considering, it might draw to itself and absorb the whole of the powers of government. To contract alliances; to stipulate for raising troops to be employed in a common war about to be waged; to grant subsidies; even to introduce foreign troops within the bosom of the country; were not unfrequent instances of the exercise of this power; and if, in all such cases the honor and faith of the nation were committed, by the exclusive act of the president and Senate, the melancholy duty alone might be left to Congress of recording the ruin of the republic.

Supposing, however, that no treaty, which undertakes to dispose of the territory of the United States, is valid, without the concurrence of Congress, it may be contended, that such treaty may constitutionally fix the limits of the territory of the United States, where they are disputed, without co-operation of Congress. He admitted it, when the fixation of the limits simply was the object. As in the case of the river St. Croix, or the more recent stipulation in the treaty of Ghent, or in that of the treaty of Spain in 1795. In all these cases, the treaty-making power merely reduces to certainty that which was before unascertained. It announces the fact; it proclaims, in a tangible form, the existence of the boundary. It does not make a new boundary; it asserts only where the old boundary was. But it can not, under color of fixing a boundary previously existing, though not in fact marked, undertake to cede away, without the concurrence of Congress, whole provinces. If the subject be one of a mixed character, if it consists partly of cession, and partly of the fixation of a prior limit, he contended that the president must come here for the consent of Congress. But in the Florida treaty it was not pretended that the object was simply a declaration of where the western limit of Louisiana was. It was, on the contrary, the case of an avowed cession of territory from the United States to Spain. The whole of the correspondence manifested that the respective parties to the negotiation were not engaged so much in an inquiry where the limit of Louisiana *was*, as that they were exchanging overtures as to where it *should be*. Hence, we find various limits proposed and discussed. At one time the Mississippi is proposed; then the Missouri; then a river discharging itself into the gulf east of the Sabine. A vast desert is proposed to separate the territories

of the two powers; and finally the Sabine, which neither of the parties had ever contended was the ancient limit of Louisiana, is adopted, and the boundary is extended from its source by a line perfectly new and arbitrary; and the treaty itself proclaims its purpose to be a cession from the United States to Spain.

The second resolution comprehended three propositions; the first of which was, that the equivalent granted by Spain to the United States, for the province of Texas, was inadequate. To determine this, it was necessary to estimate the value of what we gave, and of what we received. This involved an inquiry into our claim to Texas. It was not his purpose to enter at large into this subject. He presumed the spectacle would not be presented of questioning, in this branch of the government, our title to Texas, which has been constantly maintained by the executive for more than fifteen years past, under three several administrations. He was, at the same time, ready and prepared to make out our title, if any one in the House were fearless enough to controvert it. He would, for the present, briefly state, that the man who is most familiar with the transactions of this government, who largely participated in the formation of our Constitution, and all that has been done under it, who, besides the eminent services that he has rendered his country, principally contributed to the acquisition of Louisiana, who must be supposed, from his various opportunities, best to know its limits, declared, fifteen years ago, that our title to the Rio del Norte was as well founded as it was to the island of New Orleans. [Here Mr. Clay read an extract from a memoir presented in 1805, by Mr. Monroe and Mr. Pinckney, to Mr. Cevallos, proving that the boundary of Louisiana extended eastward to the Perdido, and westward to the Rio del Norte, in which they say, "the facts and principles which justify this conclusion, are so satisfactory to their government as to convince it, that the United States have not a better right to the island of New Orleans, under the cession referred to, than they have to the whole district of territory thus described."] The title to the Perdido on the one side, and to the Rio del Norte on the other, rested on the same principle—priority of discovery and of occupation by France. Spain had first discovered and made an establishment at Pensacola; France at Dauphine island, in the bay of Mobile. The intermediate space was unoccupied; and the principle observed among European nations having contiguous settlements, being, that the unoccupied space between them should be equally divided, was applied to it, and the Perdido thus became the common boundary. So, west, of the Mississippi, La Salle, acting under France, in 1682 or 83, first discovered that river. In 1685, he made an establishment on the bay of St. Bernard, west of the Colorado, emptying into it. The nearest Spanish settlement was Panuco; and the Rio del Norte, about the midway line, became the common boundary.

All the accounts concurred in representing Texas to be extremely valuable. Its superficial extent was three or four times greater than that of

Florida. The climate was delicious; the soil fertile; the margins of the rivers abounding in live oak; and the country admitting of easy settlement. It possessed, moreover, if he were not misinformed, one of the finest ports in the Gulf of Mexico. The productions of which it was capable were suited to our wants. The unfortunate captive of St. Helena wished for ships, commerce, and colonies. We have them all, if we do not wantonly throw them away. The colonies of other countries are separated from them by vast seas, requiring great expense to protect them, and are held subject to a constant risk of their being torn from their grasp. Our colonies, on the contrary, are united to and form part of our continent; and the same Mississippi, from whose rich deposit the best of them (Louisiana) has been formed, will transport on her bosom the brave, the patriotic men from her tributary streams, to defend and preserve the next most valuable, the province of Texas.

We wanted Florida, or rather we *shall* want it; or, to speak more correctly, we want no body else to have it. We do not desire it for immediate use. It fills a space in our imagination, and we wish it to complete the *arrondissement* of our territory. It must certainly come to us. The ripened fruit will not more surely fall. Florida is inclosed in between Alabama and Georgia, and can not escape. Texas may. Whether we get Florida now, or some five or ten years hence, it is of no consequence, provided no other power gets it; and if any other power should attempt to take it, an existing Act of Congress authorizes the president to prevent it. He was not disposed to disparage Florida, but its intrinsic value was incomparably less than that of Texas. Almost its sole value was military. The possession of it would undoubtedly communicate some additional security to Louisiana, and to the American commerce in the Gulf of Mexico. But it was not very essential to have it for protection to Georgia and Alabama. There could be no attack on either of them, by a foreign power, on the side of Florida. It now covered those States. Annexed to the United States, and we should have to extend our line of defense so as to embrace Florida. Far from being, therefore, a source of immediate profit, it would be the occasion of considerable immediate expense. The acquisition of it was certainly a fair object of our policy; and ought never to be lost sight of. It is even a laudable ambition, in any chief magistrate, to endeavor to illustrate the epoch of his administration by such an acquisition. It was less necessary, however, to fill the measure of honors of the present chief magistrate than that of any other man, in consequence of the large share which he had in obtaining all Louisiana. But, whoever may deserve the renown which may attend the incorporation of Florida into our confederacy, it is our business, as the representatives of that people who are to pay the price of it, to take care, as far as we constitutionally can, that too much is not given. He would not give Texas for Florida in a naked exchange. We were bound by the treaty to give not merely Texas, but five millions of dollars also, and the excess beyond

that sum of all our claims upon Spain, which have been variously estimated at from fifteen to twenty millions of dollars!

The public is not generally apprized of another large consideration which passed from us to Spain; if an interpretation which he had heard given to the treaty were just; and it certainly was plausible. Subsequent to the transfer, but before the delivery of Louisiana from Spain to France, the then governor of New Orleans (he believed his name was Gayoso) made a number of concessions, upon the payment of an inconsiderable pecuniary consideration, amounting to between nine hundred thousand and a million acres of land, similar to those recently made at Madrid to the royal favorites. This land is situated in Feliciana, and between the Mississippi and the Amitié, in the present State of Louisiana. It was granted to persons who possessed the very best information of the country, and is no doubt, therefore, the choice land. The United States have never recognized, but have constantly denied the validity of these concessions. It is contended by the parties concerned that they are confirmed by the late treaty. By the second article his Catholic majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. And by the eighth article, all grants of land made before the 24th of January, 1818, by his Catholic majesty, or by his lawful authorities, shall be ratified and confirmed, etc. Now, the grants in question having been made long prior to that day, are supposed to be confirmed. He understood from a person interested, that Don Onis had assured him it was his intention to confirm them. Whether the American negotiator had the same intention or not, he did not know. It will not be pretended that the letter of Mr. Adams of the 12th of March, 1818, in which he declines to treat any further with respect to any part of the territory included within the limits of the State of Louisiana, can control the operation of the subsequent treaty. That treaty must be interpreted by what is in it, and not by what is out of it. The overtures which passed between the parties respectively, prior to the conclusion of the treaty, can neither restrict nor enlarge its meaning. Moreover, when Mr. Madison occupied, in 1811, the country between the Mississippi and the Perdido, he declared that in our hands it should be, as it has been, subject to negotiation.

It results, then, that we have given for Florida, charged and incumbered as it is,

First, unincumbered Texas;

Secondly, five millions of dollars;

Thirdly, a surrender of all our claims upon Spain, not included in that five millions; and,

Fourthly, if the interpretation of the treaty which he had stated were well founded, about a million of acres of the best unseated land in the State of Louisiana, worth perhaps ten millions of dollars.

The first proposition contained in the second resolution, was thus, he thought, fully sustained. The next was, that it was inexpedient to cede Texas to any foreign power. They constituted, in his opinion, a sacred inheritance of posterity, which we ought to preserve unimpaired. He wished it was, if it were not, a fundamental and inviolable law of the land, that they should be inalienable to any foreign power. It was quite evident, that it was in the order of providence; that it was an inevitable result of the principle of population, that the whole of this continent, including Texas, was to be peopled in process of time. The question was, by whose race shall it be peopled? In our hands it will be peopled by freemen, and the sons of freemen, carrying with them our language, our laws, and our liberties; establishing, on the prairies of Texas, temples dedicated to the simple and devout modes of worship of God, incident to our religion, and temples dedicated to that freedom which we adore next to Him. In the hands of others, it may become the habitation of despotism and of slaves, subject to the vile dominion of the inquisition and of superstition. He knew that there were honest and enlightened men, who feared that our confederacy was already too large, and that there was danger of disruption, arising out of the want of reciprocal coherence between its several parts. He hoped and believed, that the principal of representation, and the formation of States, would preserve us a united people. But if Texas, after being peopled by us, and grappling with us, should, at some distant day, break off, she will carry along with her a noble crew, consisting of our children's children. The difference between those who might be disinclined to its annexation to our confederacy, and him, was, that their system began where his might, possibly, in some distant future day, terminate; and theirs begin with a foreign race, aliens to every thing that we hold dear, and his ended with a race partaking of all our qualities.

The last proposition which the second resolution affirms, is, that it is inexpedient to renew the treaty. If Spain had promptly ratified it, bad as it is, he would have acquiesced in it. After the protracted negotiation which it terminated; after the irritating and exasperating correspondence which preceded it, he would have taken the treaty as a man who has passed a long and restless night, turning and tossing in his bed, snatches at day, an hour's disturbed repose. But she would not ratify it; she would not consent to be bound by it; and she has liberated us from it. Is it wise to renew the negotiation, if it is to be recommenced, by announcing to her at once our ultimatum? Shall we not give her the vantage-ground? In early life he had sometimes indulged in a species of amusement, which years and experience had determined him to renounce, which, if the committee would allow him to use it, furnished him with a figure—shall we enter on the game, with our hand exposed to the adversary, while he shuffles the cards to acquire more strength? What has lost us his ratification of the treaty? Incontestably, our importunity to procure the ratification, and the hopes which that importunity inspired, that he could

yet obtain more from us. Let us undeceive him. Let us proclaim the acknowledged truth, that the treaty is prejudicial to the interests of this country. Are we not told by the Secretary of State, in the bold and confident assertion, that Don Onis was authorized to grant us much more, and that Spain dare not deny his instructions? The line of demarcation is far within his limits! If she would have then granted us more, is her position now more favorable to her in the negotiation? In our relations to foreign powers, it may be sometimes politic to sacrifice a portion of our rights to secure the residue. But is Spain such a power, as that it becomes us to sacrifice those rights? Is she entitled to it by her justice, by her observance of good faith, or by her possible annoyance of us in the event of war? She will seek, as she has sought, procrastination in the negotiation, taking the treaty as the basis. She will dare to offend us, as she has insulted us, by asking the disgraceful stipulation, that we shall not recognize the patriots. Let us put aside the treaty; tell her to grant us our rights, to their uttermost extent. And if she still palters, let us assert those rights by whatever measures it is for the interest of our country to adopt.

If the treaty was abandoned; if we were not on the contrary signified, too distinctly, that there was to be a continued and unremitting endeavor to obtain its revival; he would not think it advisable for this House to interpose. But, with all the information in our possession, and holding the opinions which he entertained, he thought it the bounden duty of the House to adopt the resolutions. He had acquitted himself of what he deemed a solemn duty, in bringing up the subject. Others could discharge theirs according to their own sense of them.

ON THE PROTECTION OF HOME INDUSTRY.

IN THE HOUSE OF REPRESENTATIVES, APRIL 26, 1820.

[FROM the beginning of Mr. Clay's public life, as far back as his appearance in the Legislature of Kentucky, he was ever a steady, vigilant, and vigorous advocate for the protection of home industry. Amid all the fluctuations of opinion with other statesmen, and in face of all the free-trade theories of economists, he never deviated on this subject. It was a part of his natural instincts to discern the position of American capital, labor, and art, as they are affected by foreign interests of the same kind, and to sympathize with the former, when suffering disadvantage by the action of the latter upon them. Eminently practical in his views, Mr. Clay had very little respect for the abstract theories of economists.

The war of 1812 had, by necessity, built up a system of American manufactures, and when peace came, it began to totter and fall, in competition with foreign products of the same classes. The Tariff of 1816 was enacted to save it, but it proved inadequate, or not well adapted. The experience of the country for the first five years subsequent to the peace, had taught our statesmen what was wanted, and the Tariff bill of 1820 was prepared with great care, and reported by Mr. Baldwin of Pennsylvania, who was afterward promoted to the bench of the Supreme Court of the United States. It was in support of this bill that the following speech was made. The bill passed the House by a vote of ninety to sixty-nine, but failed in the Senate by twenty-two against twenty-one—so narrow a chance doomed the country to four years more of the greatest commercial embarrassments; for it was not till the Tariff of 1824 that trade and business began to revive. Mr. Clay afterward found, by comparison, that the seven years previous to the Tariff of 1824 was a period of the greatest commercial depression, and the seven years subsequent to that event a period of the greatest commercial prosperity which the country had ever experienced. The

last four years of the first-named period—the most pinching and most distressing of the seven—were brought about by that unfortunate vote of the Senate, in 1820, of twenty-two to twenty-one. The vote of the House for the Tariff of 1820 was a decided majority. To this result, the following speech of Mr. Clay no doubt contributed in a very large measure. Probably it was the means of it. Pity that the same influence could not have been carried into the Senate; for four years of such adversity was an incalculable subtraction from the wealth of the country.]

Mr. Chairman—Whatever may be the value of my opinions on the interesting subject now before us, they have not been hastily formed. It may possibly be recollected by some gentlemen that I expressed them when the existing tariff was adopted; and that I then urged, that the period of the termination of the war, during which the manufacturing industry of the country had received a powerful spring, was precisely that period when government was alike impelled, by duty and interest, to protect it against the free admission of foreign fabrics, consequent upon a state of peace. I insisted, on that occasion, that a less measure of protection would prove more efficacious, at that time, than one of greater extent at a future day. My wishes prevailed only in part; and we are now called upon to decide whether we will correct the error which, I think, we then committed.

In considering the subject, the first important inquiry that we should make is, whether it be desirable that such a portion of the capital and labor of the country should be employed in the business of manufacturing, as would furnish a supply of our necessary wants? Since the first colonization of America, the principal direction of the labor and capital of the inhabitants has been to produce raw materials for the consumption or fabrication of foreign nations. We have always had, in great abundance, the means of subsistence, but we have derived chiefly from other countries our clothes, and the instruments of defense. Except during those interruptions of commerce arising from a state of war, or from measures adopted for vindicating our commercial rights, we have experienced no very great inconvenience heretofore from this mode of supply. The limited amount of our surplus produce, resulting from the smallness of our numbers, and the long and arduous convulsions of Europe, secured us good markets for that surplus in her ports, or those of her colonies. But those convulsions have now ceased, and our population has reached nearly ten millions. A new epoch has arisen; and it becomes us deliberately to contemplate our own actual condition, and the relations which are likely to exist between us and the other parts of the world. The actual state of our population, and the ratio of its progressive increase, when compared with the ratio of the increase of the population of the countries which

have hitherto consumed our raw produce, seem, to me, alone to demonstrate the necessity of diverting some portion of our industry from its accustomed channel. We double our population in or about the term of twenty-five years. If there be no change in the mode of exerting our industry, we shall double, during the same term, the amount of our exportable produce. Europe, including such of her colonies as we have free access to, taken altogether, does not duplicate her population in a shorter term, probably, than one hundred years. The ratio of the increase of her capacity of consumption, therefore, is, to that of our capacity of production, as one is to four. And it is manifest, from the simple exhibition of the powers of the consuming countries, compared with those of the supplying country, that the former are inadequate to the latter. It is certainly true, that a portion of the mass of our raw produce, which we transmit to her, reverts to us in a fabricated form, and that this return augments with our increasing population. This is, however, a very inconsiderable addition to her actual ability to afford a market for the produce of our industry.

I believe that we are already beginning to experience the want of capacity in Europe to consume our surplus produce. Take the articles of cotton, tobacco, and bread-stuffs. For the latter we have scarcely any foreign demand. And is there not reason to believe that we have reached if we have not passed, the maximum of the foreign demand for the other two articles? Considerations connected with the cheapness of cotton, as a raw material, and the facility with which it can be fabricated, will probably make it to be more and more used as a substitute for other materials. But, after you allow to the demand for it the utmost extension of which it is susceptible, it is yet quite limited—limited by the number of persons who use it, by their wants and their ability to supply them. If we have not reached, therefore, the maximum of the foreign demand (as I believe we have), we must soon fully satisfy it. With respect to tobacco, that article affording an enjoyment not necessary, as food and clothes are, to human existence, the foreign demand for it is still more precarious, and I apprehend that we have already passed its limits. It appears to me, then, that, if we consult our interests merely, we ought to encourage home manufactures. But there are other motives to recommend it, of not less importance.

The wants of man may be classed under three heads: food, raiment, and defense. They are felt alike in the state of barbarism and of civilization. He must be defended against the ferocious beast of prey in the one condition, and against the ambition, violence, and injustice incident to the other. If he seeks to obtain a supply of those wants without giving an equivalent, he is a beggar or a robber; if by promising an equivalent which he can not give, he is fraudulent, and if by commerce, in which there is perfect freedom on his side, while he meets with nothing but restrictions on the other, he submits to an unjust and degrading inequality.

What is true of individuals is equally so of nations. The country, then, which relies upon foreign nations for either of those great essentials, is not, in fact, independent. Nor is it any consolation for our dependence upon other nations that they are also dependent upon us, even were it true. Every nation should anxiously endeavor to establish its absolute independence, and consequently be able to feed, and clothe, and defend itself. If it rely upon a foreign supply, that may be cut off by the caprice of the nation yielding it, by war with it, or even by war with other nations; it can not be independent. But it is not true that any other nations depend upon us in a degree any thing like equal to that of our dependence upon them for the great necessaries to which I have referred. Every other nation seeks to supply itself with them from its own resources; and so strong is the desire which they feel to accomplish this purpose, that they exclude the cheaper foreign article for the dearer home production. Witness the English policy in regard to corn. So selfish, in this respect, is the conduct of other powers that, in some instances, they even prohibit the produce of the industry of their own colonies when it comes into competition with the produce of the parent country. All other countries but our own exclude by high duties, or absolute prohibitions, whatever they can respectively produce within themselves. The truth is, and it is in vain to disguise it, that we are a sort of independent colonies of England—politically free, commercially slaves. Gentlemen tell us of the advantage of a free exchange of the produce of the world. But they tell us of what has never existed, does not exist, and perhaps never will exist. They invoke us to give perfect freedom on our side, while, in the ports of every other nation, we are met with a code of odious restrictions, shutting out entirely a great part of our produce, and letting in only so much as they can not possibly do without. I will hereafter examine their favorite maxim, of leaving things to themselves, more particularly. At present I will only say that I too am a friend to free trade, but it must be a free trade of perfect reciprocity. If the governing consideration were cheapness; if national independence were to weigh nothing; if honor nothing; why not subsidize foreign powers to defend us? why not hire Swiss or Hessian mercernaries to protect us? why not get our arms of all kinds, as we do in part, the blankets and clothing of our soldiers, from abroad? We should probably consult economy by these dangerous expedients.

But, say gentlemen, there are to the manufacturing system some inherent objections, which should induce us to avoid its introduction into this country; and we are warned by the example of England, by her pauperism, by the vices of her population, her wars, and so forth. It would be a strange order of Providence, if it were true, that he should create necessary and indispensable wants, and yet should render us unable to supply them without the degradation or contamination of our species.

Pauperism is, in general, the effect of an overflowing population. Manufactures may undoubtedly produce a redundant population; but so may

commerce, and so may agriculture. In this respect they are alike; and from whatever cause the disproportion of a population to the subsisting faculty of a country may proceed, its effect on pauperism is the same. Many parts of Asia would exhibit, perhaps, as afflicting effects of an extreme prosecution of the agricultural system, as England can possibly furnish respecting the manufacturing. It is not, however, fair to argue from these extreme cases against either the one system or the other. There are abuses incident to every branch of industry, to every profession. It would not be thought very just or wise to arraign the honorable professions of law and physic, because the one produces the pettifogger, and the other the quack. Even in England it has been established, by the diligent search of Colquhoun, from the most authentic evidence, the judicial records of the country, that the instances of crime were much more numerous in the agricultural than in the manufacturing districts; thus proving that the cause of wretchedness and vice, in that country, was to be sought for, not in this or that system, so much as in the fact of the density of its population. France resembles this country more than England, in respect to the employments of her population; and we do not find that there is any thing in the condition of the manufacturing portion of it which ought to dissuade us from the introduction of it into our own country. But even France has not that great security against the abuses of the manufacturing system, against the effects of too great a density of population, which we possess in our waste lands. While this resource exists we have nothing to apprehend. Do capitalists give too low wages —are the laborers too crowded, and in danger of starving? the unsettled lands will draw off the redundancy, and leave the others better provided for. If an unsettled province, such as Texas, for example, could, by some convulsion of nature, be wafted alongside of, and attached to the island of Great Britain, the instantaneous effect would be, to draw off the redundant portion of the population, and to render more comfortable both the emigrants and those whom they would leave behind. I am aware, that while the public domain is an acknowledged security against the abuses of the manufacturing, or any other system, it constitutes, at the same time, an impediment, in the opinion of some, to the success of manufacturing industry, by its tendency to prevent the reduction of the wages of labor. Those who urge this objection have their eyes too much fixed on the ancient system of manufacturing, when manual labor was the principal instrument which it employed. During the last half century, since the inventions of Arkwright, and the long train of improvements which followed, the labor of machinery is principally used. I have understood, from sources of information which I believe to be accurate, that the combined force of all the machinery employed by Great Britain, in manufacturing, is equal to the labor of one hundred millions of able-bodied men. If we suppose the aggregate of the labor of all the individuals which she employs, in that branch of industry, to be equal to the united labor of two

millions of able-bodied men (and I should think it does not exceed it), machine labor will stand to manual labor in the proportion of one hundred to two. There can not be a doubt that we have skill and enterprise enough to command the requisite amount of machine power.

There are, too, some checks to emigration from the settled parts of our country to the waste lands of the west. Distance is one, and it is every day becoming greater and greater. There exists, also a natural repugnance (felt less, it is true, in the United States than elsewhere, but felt even here), to abandoning the place of our nativity. Women and children who could not migrate, and who would be comparatively idle if manufactures did not exist, may be profitably employed in them. This is a very great benefit. I witnessed the advantage resulting from the employment of this description of our population, in a visit which I lately made to the Waltham manufactory, near Boston. There, some hundreds of girls and boys were occupied in separate apartments. The greatest order, neatness, and apparent comfort, reigned throughout the whole establishment. The daughters of respectable farmers, in one instance, I remember, the daughter of a senator in the State Legislature, were usefully employed. They would come down to the manufactory, remain perhaps some months, and return, with their earnings, to their families, to assist them throughout the year. But one instance had occurred, I was informed by the intelligent manager, of doubtful conduct on the part of any of the females, and, after she was dismissed, there was reason to believe that injustice had been done her. Suppose that establishment to be destroyed, what would become of all the persons who are there engaged so beneficially to themselves, and so usefully to the State? Can it be doubted that, if the crowds of little mendicant boys and girls who infest this edifice, and assail us, every day, at its very thresholds, as we come in and go out, begging for a cent, were employed in some manufacturing establishment, it would be better for them, and the city? Those who object to the manufacturing system should recollect, that constant occupation is the best security for innocence and virtue, and that idleness is the parent of vice and crime. They should contemplate the laboring poor with employment, and ask themselves what would be their condition without it. If there are instances of hard taskmasters among the manafacturers, so also are there in agriculture. The cause is to be sought for, not in the nature of this or that system, but in the nature of man. If there are particular species of unhealthy employment in manufactures, so there are in agriculture also. There has been an idle attempt to ridicule the manufacturing system, and we have heard the expression, "spinning-jenny tenure." It is one of the noblest inventions of human skill. It has diffused comforts among thousands who, without it, would never have enjoyed them; and millions yet unborn will bless the man by whom it was invented. Three important inventions have distinguished the last half century, each of which, if it had happened at long intervals of time from the other, would have been sufficient to constitute

an epoch in the progress of the useful arts. The first was that of Arkwright; and our own country is entitled to the merit of the other two. The world is indebted to Whitney for the one, and to Fulton for the other. Nothing is secure against the shafts of ridicule. What would be thought of a man who should speak of a cotton-gin tenure, or a steamboat tenure?

In one respect there is a great difference in favor of manufactures, when compared with agriculture. It is the rapidity with which the whole manufacturing community avail themselves of an improvement. It is instantly communicated and put in operation. There is an avidity for improvement in the one system, an aversion to it in the other. The habits of generation after generation pass down the long track of time in perpetual succession without the slightest change in agriculture. The plowman who fastens his plow to the tails of his cattle, will not own that there is any other mode equal to his. An agricultural people will be in the neighborhood of other communities, who have made the greatest progress in husbandry, without advancing in the slightest degree. Many parts of our country are one hundred years in advance of Sweden in the cultivation and improvement of the soil.

It is objected, that the effect of the encouragement of home manufacture, by the proposed tariff, will be, to diminish the revenue from the customs. The amount of the revenue from that source will depend upon the amount of importations, and the measure of these will be the value of the exports from this country. The quantity of the exportable produce will depend upon the foreign demand; and there can be no doubt that, under any distribution of the labor and capital of this country, from the greater allurements which agriculture presents than any other species of industry, there would be always a quantity of its produce sufficient to satisfy that demand. If there be a diminution in the ability of foreign nations to consume our raw produce, in the proportion of our diminished consumption of theirs, under the operation of this system, that will be compensated by the substitution of a home for a foreign market, in the same proportion. It is true that we can not remain in the relation of seller, only to foreign powers, for any length of time; but if as I have no doubt, our agriculture will continue to supply, as far as it can profitably, to the extent of the limits of foreign demand, we shall receive not only in return many of the articles on which the tariff operates, for our own consumption, but they may also form the objects of trade with South America and other powers, and our comforts may be multiplied by the importation of other articles. Diminished consumption, in consequence of the augmentation of duties, does not necessarily imply diminished revenue. The increase of the duty may compensate the decrease in the consumption, and give you as large a revenue as you before possessed.

Can any one doubt the impolicy of government resting solely upon the precarious resource of such a revenue? It is constantly fluctuating. It tempts us, by its enormous amount, at one time, into extravagant expend-

ıture; and we are then driven, by its sudden and unexpected depression, into the opposite extreme. We are seduced by its flattering promises into expenses which we might avoid; and we are afterward constrained by its treachery, to avoid expenses which we ought to make. It is a system under which there is a sort of perpetual war, between the interest of the government and the interest of the people. Large importations fill the coffers of government, and empty the pockets of the people. Small importations imply prudence on the part of the people, and leave the treasury empty. In war, the revenue disappears; in peace it is unsteady. On such a system the government will not be able much longer exclusively to rely. We all anticipate that we shall have shortly to resort to some additional supply of revenue within ourselves. I was opposed to the total repeal of the internal revenue. I would have preserved certain parts of it at least, to be ready for emergences such as now exist. And I am, for one, ready to exclude foreign spirits altogether, and substitute for the revenue levied on them a tax upon the spirits made within the country. No other nation lets in so much of foreign spirits as we do. By the encouragement of home industry, you will lay a basis of internal taxation, when it gets strong, that will be steady and uniform yielding alike in peace and in war. We do not derive our ability from abroad, to pay taxes. That depends upon our wealth and our industry; and it is the same, whatever may be the form of levying the public contributions.

But it is urged, that you tax other interests of the State to sustain manufacturers. The business of manufacturing, if encouraged, will be open to all. It is not for the sake of the particular individuals who may happen to be engaged in it, that we propose to foster it; but it is for the general interest. We think that it is necessary to the comfort and well-being of society, that fabrication, as well as the business of production and distribution, should be supported and taken care of. Now, if it be even true, that the price of the home fabric will be somewhat higher, in the first instance, than the rival foreign articles, that consideration ought not to prevent our extending reasonable protection to the home fabric. Present temporary inconvenience may be well submitted to for the sake of future permanent benefit. If the experience of all other countries be not utterly fallacious; if the promises of the manufacturing system be not absolutely illusory; by the competition which will be elicited in consequence of your parental care, prices will be ultimately brought down to a level with that of the foreign commodity. Now, in a scheme of policy which is devised for a nation, we should not limit our views to its operation during a single year, or for even a short term of years. We should look at its operation for a considerable time, and in war as well as in peace. Can there be a doubt, thus contemplating it, that we shall be compensated by the certainty and steadiness of the supply in all seasons, and the ultimate reduction of the price for any temporary sacrifices we make? Take the example of salt, which the ingenious gentleman from Virginia (Mr. Archer) has ad

duced. He says, during the war, the price of that article rose to ten dollars per bushel, and he asks if you would lay a duty, permanent in its duration, of three dollars per bushel, to secure a supply in war. I answer, no, I would not lay so high a duty. That which is now proposed, for the encouragement of the domestic production, is only five cents per bushel. In forty years, the duty would amount only to two dollars. If the recurrence of war shall be only after intervals of forty years' peace (and we may expect it probably oftener), and if, when it does come, the same price should again be given, there will be a clear saving of eight dollars, by promoting the domestic fabrication. All society is an affair of mutual concession. If we expect to derive the benefits which are incident to it, we must sustain our reasonable share of burdens. The great interests which it is intended to guard and cherish, must be supported by their reciprocal action and re-action. The harmony of its parts is disturbed, the discipline which is necessary to its order is incomplete, when one of the three great and essential branches of its industry is abandoned and unprotected. If you want to find an example of order, of freedom from debt, of economy, of expenditure falling below rather than exceeding income, you will go to the well-regulated family of a farmer. You will go to the house of such a man as Isaac Shelby; you will not find him haunting taverns, engaged in broils, prosecuting angry lawsuits; you will behold every member of his family clad with the produce of their own hands, and usefully employed; the spinning-wheel and the loom in motion by day-break. With what pleasure will his wife carry you into her neat dairy, lead you into her store-house, and point you to the table-cloths, the sheets, the counterpanes which lie on this shelf for one daughter, or on that for another, all prepared in advance by her provident care for the day of their respective marriages. If you want to see an opposite example, go to the house of a man who manufactures nothing at home, whose family resorts to the store for every thing they consume. You will find him perhaps in the tavern, or at the shop at the cross-roads. He is engaged, with the rum-grog on the table, taking depositions to make out some case of usury or fraud. Or perhaps he is furnishing to his lawyer the materials to prepare a long bill of injunction in some intricate case. The sheriff is hovering about his farm to serve some new writ. On court-days—he never misses attending them—you will find him eagerly collecting his witnesses to defend himself against the merchant and doctor's claims. Go to his house, and, after a short and giddy period, that his wife and daughters have flirted about the country in their calico and muslin frocks, what a scene of discomfort and distress is presented to you there! What the individual family of Isaac Shelby is, I wish to see the nation in the aggregate become. But I fear we shall shortly have to contemplete its resemblance in the opposite picture. If statesmen would carefully observe the conduct of private individuals in the management of their own affairs, they would have

much surer guides in promoting the interests of the State, than the visionary speculations of theoretical writers.

The manufacturing system is not only injurious to agriculture, but, say its opponents, it is injurious also to foreign commerce. We ought not to conceal from ourselves our present actual position in relation to other powers. During the protracted war which has so long convulsed all Europe, and which will probably be succeeded by a long peace, we transacted the commercial business of other nations, and largely shared with England the carrying trade of the world. Now, every other nation is anxiously endeavoring to transact its own business, to rebuild its marine, and to foster its navigation. The consequence of the former state of things was, that our mercantile marine, and our commercial employment were enormously disproportionate to the exchangeable domestic produce of our country. And the result of the latter will be, that, as exchanges between this country and other nations will hereafter consist principally, on our part, of our domestic produce, that marine and that employment will be brought down to what is necessary to effect those exchanges. I regret exceedingly this reduction. I wish the mercantile class could enjoy the same extensive commerce that they formerly did. But, if they can not, it would be a folly to repine at what is irrecoverably lost, and we should seek rather to adapt ourselves to the new circumstances in which we find ourselves. If, as I think, we have reached the maximum of our foreign demand for our three great staples, cotton, tobacco, and flour, no man will contend that we should go on to produce more and more, to be sent to the glutted foreign market, and consumed by devouring expenses, merely to give employment to our tonnage and to our foreign commerce. It would be extremely unwise to accommodate our industry to produce, not what is wanted abroad, but cargoes for our unemployed ships. I would give our foreign trade every legitimate encouragement, and extend it whenever it can be extended profitably. Hitherto it has been stimulated too highly, by the condition of the world, and our own policy acting on that condition. And we are reluctant to believe that we must submit to its necessary abridgment. The habits of trade, the tempting instances of enormous fortunes which have been made by the successful prosecution of it, are such, that we turn with regret from its pursuit; we still cherish a lingering hope; we persuade ourselves that something will occur, how and what it may be, we know not, to revive its former activity; and we would push into every untried channel, grope through the Dardanelles into the Black Sea, to restore its former profits. I repeat it, let us proclaim to the people of the United States the incontestable truth, that our foreign trade must be circumscribed by the altered state of the world; and, leaving it in the possession of all the gains which it can now possibly make, let us present motives to the capital and labor of our country, to employ themselves in fabrication at home. There is no danger that, by a withdrawal of that portion which is unprofitably employed on

other objects, and an application of it to fabrication, our agriculture would be too much cramped. The produce of it will always come up to the foreign demand. Such are the superior allurements belonging to the cultivation of the soil to all other branches of industry, that it will always be preferred when it can profitably be followed. The foreign demand will, in any conceivable state of things, limit the amount of the exportable produce of agriculture. The amount of our exportations will form the measure of our importations, and whatever these may be, they will constitute the basis of the revenue derivable from customs.

The manufacturing system is favorable to the maintenance of peace. Foreign commerce is the great source of foreign wars. The eagerness with which we contend for every branch of it, the temptations which it offers, operating alike upon us and our foreign competitors, produce constant collisions. No country on earth, by the extent of its superfices, the richness of its soil, the variety of its climate, contains within its own limits more abundant facilities for supplying all our rational wants than ours does. It is not necessary or desirable, however, to cut off all intercourse with foreign powers. But, after securing a supply, within ourselves, of all the great essentials of life, there will be ample scope still left for preserving such an intercourse. If we had no intercourse with foreign states, if we adopted the policy of China, we should have no external wars. And in proportion as we diminish our dependence upon them, shall we lessen the danger of the recurrence of war. Our late war would not have existed if the counsels of the manufacturers in England had been listened to. They finally did prevail, in their steady and persevering effort to produce a repeal of the orders in Council; but it was too late to prevent the war. Those who attribute to the manufacturing system the burdens and misfortunes of that country, commit a great error. These were probably a joint result of the operation of the whole of her systems, and the larger share of it was to be ascribed to her foreign commerce, and to the ambition of her rulers, than to any other cause. The war of our Revolution, in which that ambition displayed its monstrous arrogance and pretensions, laid the broad foundation of that enormous debt under which she now groans.

The tendency of reasonable encouragement to our home industry is favorable to the preservation and strength of our confederacy. Now our connection is merely political. For the sale of the surplus of the produce of our agricultural labor, all eyes are constantly turned upon the markets of Liverpool. There is scarcely any of that beneficial intercourse, the best basis of political connection, which consists in the exchange of the produce of our labor. On our maritime frontier there has been too much stimulus, an unnatural activity; in the great interior of the country, there exists a perfect paralysis. Encourage fabrication at home, and there will instantly arise animation and a healthful circulation throughout all the parts of the republic. The cheapness, fertility, and quantity of our waste lands,

offer such powerful inducements to cultivation, that our countrymen are constantly engaging in it. I would not check this disposition, by hard terms in the sale of it. Let it be easily accessible to all who wish to acquire it. But I would countervail this predilection, by presenting to capital and labor motives for employment in other branches of industry. Nothing is more uncertain than the pursuit of agriculture, when we mainly rely upon foreign markets for the sale of its surplus produce. In the first place, it is impossible to determine, *à priori* the amount of this surplus; and, in the second, it is equally impossible to anticipate the extent of the foreign demand. Both the one and the other depend upon the seasons. From the fluctuations incident to these, and from other causes, it may happen that the supplying country will, for a long series of years, have employed a larger share of its capital and labor than is wise, in production, to supply the wants of the consuming countries, without becoming sensible of its defect of policy. The failure of a crop, or the failure of a market, does not discourage the cultivator. He renews his labors another year, and he renews his hopes. It is otherwise with manufacturing industry. The precise quantum of its produce, at least, can with some accuracy be previously estimated. And the wants of foreign countries can be with some probability anticipated.

I am sensible, Mr. Chairman, if I have even had a success, which I dare not presume, in the endeavor I have been making to show that sound policy requires a diversion of so much of the capital and labor of this country from other employments as may be necessary, by a different application of them, to secure, within ourselves, a steady and adequate supply of the great necessaries of life, I shall have only established one half of what is incumbent upon me to prove. It will still be required by the other side, that a second proposition be supported, and that is, that government ought to present motives for such a diversion and new application of labor and capital, by that species of protection which the tariff holds out. Gentlemen say, We agree with you; you are right in your first proposition; but, "let things alone," and they will come right in the end. Now, I agree with them, that things would ultimately get right; but not until after a long period of disorder and distress, terminating in the impoverishment, and perhaps ruin, of the country. Dissolve government, reduce it to its primitive elements, and without any general effort to reconstruct it, there would arise, out of the anarchy which would ensue, partial combinations for the purpose of individual protection, which would finally lead to a social form, competent to the conservation of peace within, and the repulsion of force from without. Yet no one would say, in such a state of anarchy, Let things alone! If gentlemen, by their favorite maxim, mean only that, within the bosom of the State, things are to be left alone, and each individual, and each branch of industry, allowed to pursue their respective interests, without giving a preference to either, I subscribe to it. But if they give it a more comprehensive import; if they require that things be left

alone, in respect not only to interior action, but to exterior action also; not only as regards the operation of our own government upon the mass of the interests of the State, but as it relates to the operation of foreign governments upon that mass, I dissent from it.

In this maxim, in this enlarged sense, it is indeed everywhere proclaimed; but nowhere practiced. It is truth in the books of European political economists. It is error in the practical code of every European State. It is not applied where it is most applicable; it is attempted to be introduced here, where it is least applicable; and even here its friends propose to limit it to the single branch of manufacturing industry, while every other interest is encouraged and protected according to the policy of Europe. The maxim would best suit Europe, when each interest is adjusted and arranged to every other, by causes operating during many centuries. Every thing there has taken and preserved its ancient position. The house that was built centuries ago, is occupied by the descendants of its original constructor. If one could rise up after the lapse of ages, and enter a European shop, he would see the same hammer at work, on the same anvil or last, and almost by the same hand. There every thing has found its place and level, and every thing, one would think, might there safely be left alone. But the policy of the European States is otherwise. Here every thing is new and unfixed. Neither the State, nor the individuals who compose it, have settled down in their permanent positions. There is a constant tendency, in consequence of the extent of our public domain, toward production for foreign markets. The maxim, in the comprehensive sense in which I am considering it, requires, to entitle it to observation, two conditions, neither of which exists. First, that there should be perpetual peace, and secondly, that the maxim should be everywhere respected. When war breaks out, that free and general circulation of the produce of industry among the nations which it recommends, is interrupted, and the nation that depends upon a foreign supply for its necessaries, must be subjected to the greatest inconvenience. If it be not everywhere observed, there will be, between the nation that does not, and the nation that does, conform to it, an inequality alike condemned by honor and by interest. If there be no reciprocity; if, on the one side, there is perfect freedom of trade, and on the other a code of odious restrictions, will gentlemen still contend that we are to submit to such an unprofitable and degrading intercourse? Will they require that we shall act upon the social system, while every other power acts upon the selfish? Will they demand of us to throw widely open our ports to every nation, while all other nations entirely or partly exclude theirs against our productions? It is, indeed, possible, that some pecuniary advantage might be enjoyed by our country in prosecuting the remnant of the trade which the contracted policy of other powers leaves to us. But what security is there for our continuing to enjoy even that? And is national honor, is national independence, to count as nothing? I will not enter into a detail of the re-

strictions with which we are everywhere presented in foreign countries. I will content myself with asserting that they take nothing from us which they can produce themselves, upon even worse terms than we could supply them. Take, again, as an example, the English corn-laws. America presents the image of a fine, generous-hearted young fellow, who has just come to the possession of a rich estate—an estate, which, however, requires careful management. He makes nothing; he buys every thing. He is surrounded by a parcel of Jews, each holding out his hand with a packet of buttons or pins, or some other commodity, for sale. If he asks those Jews to buy any thing which his estate produces, they tell him no; it is not for our interest; it is not for yours. Take this new book, says one of them, on political economy, and you will there perceive it is for your interest to buy from us, and to let things alone in your own country. The gentleman from Virginia, to whom I have already referred, has surrendered the whole argument, in the example of the East India trade. He thinks that because India takes nothing but specie from us, because there is not a reciprocal exchange between us and India, of our respective productions, that the trade ought to be discontinued. Now I do not agree with him, that it ought to be abandoned, though I would put it under considerable restrictions, when it comes in competition with the fabrics of our own country. If the want of entire reciprocity be a sufficient ground for the total abandonment of a particular branch of trade, the same principle requires that, where there are some restrictions on the other side, they should be countervailed by equal restrictions on the other.

But this maxim, according to which gentlemen would have us abandon the home industry of the country, to the influence of the restrictive systems of other countries, without an effort to protect and preserve it, is not itself observed by the same gentlemen, in regard to the great interests of the nation. We protect our fisheries by bounties and drawbacks. We protect our tonnage, by excluding or restricting foreign tonnage, exactly as our tonnage is excluded or restricted by foreign States. We passed, a year or two ago, the bill to prohibit British navigation from the West India colonies of that power to the United States, because ours is shut out from them. The session prior to the passage of that law, the gentleman from South Carolina and I, almost alone, urged the House to pass it. But the subject was postponed until the next session, when it was passed by nearly a unanimous vote, the gentleman from South Carolina, and the two gentlemen from Virginia (Messrs. Barbour and Tyler) voting with the majority. We have now upon our table other bills connected with that object, and proposing restriction upon the French tonnage to countervail theirs upon ours. I shall, with pleasure, vote for these measures. We protect our foreign trade by consuls, by foreign ministers, by embargoes, by non-intercourse, by a navy, by fortifications, by squadrons constantly acting abroad, by war, and by a variety of commercial regulations in our statute-book. The whole system of the general government, from its first formation to

the present time, consists, almost exclusively, in one unremitting endeavor to nourish, and protect, and defend the foreign trade. Why have not all these great interests been left to the operation of the gentlemen's favorite maxim? Sir, it is perfectly right that we should have afforded this protection. And it is perfectly right, in my humble opinion, that we should extend the principle to the home industry. I am a friend to foreign trade, but I protest against its being the monopolist of all the parental favor and care of this government.

But, sir, friendly as I am to the existence of domestic manufactures, I would not give to them unreasonable encouragement, by protecting duties. Their growth ought to be gradual but sure. I believe all the circumstances of the present period highly favorable to their success. But they are the youngest and the weakest interest of the State. Agriculture wants but little or no protection against the regulations of foreign powers. The advantages of our position, and the cheapness, and abundance, and fertility of our land, afford to that greatest interest of the State almost all the protection it wants. As it should be, it is strong and flourishing; or, if it be not, at this moment, prosperous, it is not because its produce is not ample, but because, depending, as we do altogether, upon a foreign market for the sale of the surplus of that produce, the foreign market is glutted. Our foreign trade, having almost exclusively engrossed the protecting care of government, wants no further legislative aid. And, whatever depression it may now experience, it is attributable to causes beyond the control of this government. The abundance of capital, indicated by the avidity with which loans are sought, at the reduced rate of five per centum; the reduction in the wages of labor, and the decline in the price of property of every kind, as well as that of agricultural produce, all concur favorably for domestic manufactures. Now, as when we arranged the existing tariff, is the auspicious moment for government to step in and cheer and countenance them. We did too little then, and I endeavored to warn this House of the effects of inadequate protection. We were called upon, at that time, by the previous pledges we had given, by the inundation of foreign fabrics, which was to be anticipated from their free admission after the termination of the war, and by the lasting interests of this country, to give them efficient support. We did not do it; but let us not now repeat the error. Our great mistake has been in the irregularity of the action of the measures of this government upon manufacturing industry. At one period it is stimulated too high, and then, by an opposite course of policy, it is precipitated into a condition of depression too low. First there came the embargo; then non-intercourse, and other restrictive measures followed; and finally, that greatest of all stimuli to domestic fabrication, war. During all that long period we were adding to the positive effect of the measures of government, all the moral encouragement which results from popular resolves, legislative resolves, and other manifestations of the public will and the public wish to foster our home manufactures, and to render

our confederacy independent of foreign powers. The peace ensued, and the country was flooded with the fabrics of other countries; and we, forgetting all our promises, coolly and philosophically talk of leaving things to themselves—making up our deficiency of practical good sense, by the stores of learning which we collect from theoretical writers. I, too, sometimes amuse myself with the visions of these writers (as I do with those of metaphysicians and novelists), and, if I do not forget, one of the best among them enjoins it upon a country to protect its industry against the injurious influence of the prohibitions and restrictions of foreign countries, which operate upon it.

Monuments of the melancholy effects upon our manufactures, and of the fluctuating policy of the councils of the Union in regard to them, abound in all parts of the country. Villages, and parts of villages, which sprang up but yesterday in the western country, under the excitement to which I have referred, have dwindled into decay, and are abandoned. In New England, in passing along the highway, one frequently sees large and spacious buildings, with the glass broken out of the windows, the shutters hanging in ruinous disorder, without any appearance of activity, and enveloped in solitary gloom. Upon inquiring what they are, you are almost always informed that they were some cotton or other factory, which their proprietors could no longer keep in motion against the overwhelming pressure of foreign competition. Gentlemen ask for facts to show the expediency and propriety of extending protection to our manufactures. Do they want stronger evidence than the condition of things I have pointed out? They ask, why the manufacturing industry is not resumed under the encouraging auspices of the present time? Sir, the answer is obvious, there is a general dismay; there is a want of heart; there is the greatest moral discouragement experienced throughout the nation. A man who engages in the manufacturing business is thought by his friends to be deranged. Who will go to the ruins of Carthage or Baalbec to rebuild a city there? Let government commence a systematic but moderate support of this important branch of our industry; let it announce its fixed purpose, that the protection of manufactures against the influence of the measures of foreign governments, will enter into the scope of our national policy; let us substitute, for the irregular action of our measures, one that shall be steady and uniform; and hope, and animation, and activity, will again revive. The gentleman from South Carolina (Mr. Lowndes) offered a resolution, which the House rejected, having for its object to ascertain the profits now made upon capital employed in manufacturing. It is not, I repeat it, the individuals, but the interests we wish to have protected. From the infinite variety of circumstances under which different manufacturing establishments are situated, it is impossible that any information such as the gentleman desires, could be obtained, that ought to guide the judgment of this House. It may happen that, of two establishments engaged in the same species of fabrication, one will be prospering and the

other languishing. Take the example of the Waltham manufactory near Boston, and that of Brunswick in Maine. The former has the advantage of a fine water situation, a manager of excellent information, enthusiastically devoted to its success, a machinist of most inventive genius, who is constantly making some new improvement, and who has carried the water loom to a degree of perfection which it has not attained in England—to such perfection as to reduce the cost of weaving a yard of cloth adapted to shirting to less than a cent—while it is abundantly supplied with capital by several rich capitalists in Boston. These gentlemen have the most extensive correspondence with all parts of the United States. Owing to this extraordinary combination of favorable circumstances, the Waltham establishment is doing pretty well; while that of Brunswick, not possessing all of them, but perhaps as many as would enable it, under adequate protection, to flourish, is laboring arduously. Will gentlemen infer, from the success of a few institutions having peculiar advantages, which form exceptions to the languishing condition of manufacturing industry, that there exists no necessity for protection? In the most discouraging state of trade and navigation, there are, no doubt, always some individuals who are successful in prosecuting them. Would it be fair to argue, from these instances, against any measure brought forward to revivè their activity?

The gentleman from Massachusetts (Mr. Whitman) has manifested peculiar hostility to the tariff, and has allowed himself to denominate it a mad, quixotic, ruinous scheme. The gentleman is dissatisfied with the quarter—the west—from which it emanates. To give higher tone and more effect to the gentleman's declamation, which is vague and indefinite, he has even assumed a new place in this House. Sir, I would advise the gentleman to return to his ancient position, moral and physical. It was respectable and useful. The honorable gentleman professes to be a friend to manufacturers! And yet he has found 'an insurmountable constitutional impediment to their encouragement, of which, as no other gentleman has relied upon it, I shall leave him in the undisturbed possession. The honorable gentleman a friend to manufacturers! And yet he has delivered a speech, marked with peculiar emphasis, against their protection. The honorable gentleman a friend to manufacturers! And yet he requires, if this constitutional difficulty could be removed, such an arrangement of the tariff as shall please him, although every one else should be dissatisfied. The intimation is not new of the presumptuousness of western politicians, in endeavoring to give to the policy of this country such a direction as will assert its honor and sustain its interests. It was first made while the measures preparatory to the late war were under consideration, and it now probably emanates from the same quarter. The predilection of the school of the Essex junto for foreign trade and British fabrics—I am far from insinuating that other gentlemen who are opposed to the tariff are actuated by any such spirit—is unconquerable. We disregarded the intimation when it was first made; we shall be uninfluenced by it now. If, indeed, there

were the least color for the assertion, that the foreign trade is to be crushed by the tariff, is it not strange, that the whole of the representation from all our great commercial metropolises should unite to destroy it? The member from Boston—to whose rational and disinterested course I am happy, on this, as on many other occasions, to be able to testify—the representatives from the city of New York, from Philadelphia, from Baltimore, all entered into this confederacy, to destroy it, by supporting this mad and ruinous scheme. Some gentlemen assert that it is too comprehensive. But its chief recommendation to me is, that it leaves no important interest unprovided for.

The same gentleman, or others, if it had been more limited, would have objected to its partial operation. The general measure of the protection which it communicates, is pronounced to be immoderate and enormous. Yet no one ventures to enter into a specification of the particular articles of which it is composed, to show that it deserves thus to be characterized. The article of molasses has, indeed, been selected, and held up as an instance of the alleged extravagance. The existing tariff imposes a duty of five cents, the proposed tariff ten cents per gallon. We tax foreign spirits very high, and yet we let in, with a very low duty, foreign molasses, which ought to be considered as rum in disguise, filling the space of so much domestic spirits. If (which I do not believe will immediately be the case, to any considerable extent) the manufacture of spirits from molasses, should somewhat decline under the new tariff, the manufacture of spirits from the raw material, produced at home, will be extended in the same ratio. Besides the incidental advantage of increasing our security against the effect of seasons of scarcity, by increasing the distillation of spirits from grain, there is scarcely any item in the tariff which combines so many interests in supporting the proposed rate of duty. The grain-growing country, the fruit country, and the culture of cane, would be all benefited by the duty. Its operation is said, however, to be injurious to a certain quarter of the Union. It is not to be denied, that each particular section of the country will feel some one or more articles of the tariff to bear hard upon it, during a short period; but the compensation is to be found in the more favorable operation of others. Now I am fully persuaded that, in the first instance, no part of the Union would share more largely than New England, in the aggregate of the benefits resulting from the tariff. But the habits of economy of her people, their industry, their skill, their noble enterprise, the stimulating effects of their more rigorous climate, all tend to insure to her the first and the richest fruits of the tariff. The middle and the western States will come in afterward for their portion, and all will participate in the advantage of internal exchanges and circulation. No quarter of the Union will urge with a worse grace than New England, objections to a measure, having for its object the advancement of the interests of the whole; for no quarter of the Union participates more extensively in the benefits flowing from the general government. Her tonnage,

her fisheries, her foreign trade, have been constantly objects of federal care. There is expended the greatest portion of the public revenue. The building of the public ships; their equipments; the expenses incident to their remaining in port, chiefly take place there. That great drain on the revenue, the revolutionary pension law, inclines principally toward New England. I do not, however, complain of these advantages which she enjoys. She is probably fairly entitled to them. But gentlemen from that quarter may, at least, be justly reminded of them, when they complain of the onerous effect of one or two items of the tariff.

Mr. Chairman, I frankly own that I feel great solicitude for the success of this bill. The entire independence of my country of all foreign States, as it respects a supply of our essential wants, has ever been with me a favorite object. The war of our Revolution effected our political emancipation. The last war contributed greatly toward accomplishing our commercial freedom. But our complete independence will only be consummated after the policy of this bill shall be recognized and adopted. We have, indeed, great difficulties to contend with—old habits, colonial usages, the obduracy of the colonial spirit, the enormous profits of a foreign trade, prosecuted under favorable circumstances, which no longer continue. I will not despair; the cause, I verily believe, is the cause of the country. It may be posponed; it may be frustrated for the moment, but it must finally prevail. Let us endeavor to acquire for the present Congress the merit of having laid this solid foundation of the national prosperity. If, as I think, fatally for the public interest, the bill shall be defeated, what will be the character of the account which we shall have to render to our constituents upon our return among them? We shall be asked, What have you done to remedy the disorders of the public currency? Why, Mr. Secretary of the Treasury made us a long report on that matter, containing much valuable information, and some very good reasoning, but, upon the whole, we found that subject rather above our comprehension, and we concluded that it was wisest to let it regulate itself. What have you done to supply the deficit in the treasury? We thought that, although you are all endeavoring to get out of the banks, it was a very good time for us to go into them, and we have authorized a loan. You have done something then, certainly, on the subject of retrenchment. Here, at home, we are practicing the greatest economy, and our daughters, no longer able to wear calico gowns, are obliged to put on homespun. Why, we have saved, by the indefatigable exertions of a member from Tennessee (General Cocke), fifty thousand dollars, which were wanted for the Yellow Stone expedition. No, not quite so much; for thirty thousand dollars of that sum were still wanted, although we stopped the expedition at the Council Bluffs. And we have saved another sum, which we hope will give you great satisfaction. After nearly two days' debate, and a division between the two Houses, we struck off two hundred dollars from the salary of the clerk of the Attorney General. What have you done to protect home industry

from the effects of the contracted policy of foreign powers? We thought it best, after much deliberation, to leave things alone at home, and to continue our encouragement to foreign industry. Well, surely you have passed some law to reanimate and revive the hopes of the numerous bankrupts that have been made by the extraordinary circumstances of the world, and the ruinous tendency of our policy? No; the Senate could not agree on that subject, and the bankrupt bill failed! Can we plead, sir, ignorance of the general distress, and of the ardent wishes of the community for that protection of its industry which this bill proposes? No, sir, almost daily, throughout the session, have we been receiving petitions with which our table is now loaded, humbly imploring us to extend this protection. Unanimous resolutions from important State Legislatures have called upon us to give it, and the people of whole States in mass—almost in mass, of New York, New Jersey, Pennsylvania, and Ohio—have transmitted to us their earnest and humble petitions to encourage the home industry. Let us not turn a deaf ear to them. Let us not disappoint their just expectations. Let us manifest, by the passage of this bill, that Congress does not deserve the reproaches which have been cast on it, of insensibility to the wants and sufferings of the people.

ON SENDING A MINISTER TO SOUTH AMERICA.

IN THE HOUSE OF REPRESENTATIVES, MAY 10, 1820.

[MR. CLAY was the earliest advocate in Christendom for the recognition of the independence of the South American States, and had labored long and hard in this cause before it obtained favor in Congress, or with the administration. Now, however, in 1820, it was said that the President of the United States, Mr. Monroe, was running a race with Mr. Clay, to get ahead of him in appropriating the glory of this movement. As President of the United States, Mr. Monroe certainly had the advantage, inasmuch as a favorable disposition in him toward a recognition of the independence of those States, might seem to have a greater official consequence. Nevertheless, Mr. Clay's early zeal in this cause, and his persistency, had made too deep an impression on the public mind of the world to admit of a rival. It is also a remarkable fact, that Mr. Canning, the British prime minister, claimed to have called a new world into existence, in having moved the Cabinet of George the Fourth to recognize the independence of Mexico, Colombia, and Buenos Ayres, in 1824. But Mr. Clay had achieved this, through the American Congress, in 1822. And thus Mr. Canning came into the race in company with Mr. Monroe; but both of them were too late for the honor so modestly claimed. The South American patriots had recognized Mr. Clay's early advocacy of their cause, had voted him thanks, had translated his speeches and circulated them, had erected monuments to his honor, and celebrated his name in patriotic songs. It was simply absurd for Mr. Monroe, or Mr. Canning, or any body else, to attempt to rob Mr. Clay of the fame acquired by his early and disinterested advocacy of South American independence. All the world knows that he was the pioneer in this philanthropic enterprise. Mr. Clay's resolution was carried by a vote of eighty to seventy-five, which was the first majority obtained in Congress for this object.

There is one remarkable passage in this speech of Mr. Clay, which, if it had been uttered by him twenty years later, would have stamped him at the South as an Abolitionist "of the straitest sect." It is this: "Will gentlemen contend," said Mr. Clay, "because these people (the South Americans) are not like us in all particulars, they are therefore unfit for freedom? In some particulars, he ventured to say that the people of South America were in *advance* of us. On the point which had been so much discussed on this floor, during the present session, *they were greatly in advance of us: Granada, Venezuela, and Buenos Ayres, had all emancipated their slaves.*"

THE House being in committee of the whole, on the state of the Union, and a motion being made to that effect, the committee resolved to proceed to the consideration of the following resolutions:

Resolved, That it is expedient to provide by law a suitable outfit and salary for such minister or ministers as the president, by and with the advice and consent of the Senate, may send to any of the governments of South America, which have established, and are maintaining, their independence of Spain:

Resolved, That provision ought to be made for requesting the President of the United States to cause to be presented to the general, the most worthy and distinguished, in his opinion, in the service of any of the independent governments of South America, the sword which was given by the viceroy of Lima to Captain Biddle of the *Ontario*, during her late cruise in the Pacific, and which is now in the office of the Department of State, with the expression of the wish of the Congress of the United States, that it may be employed in the support and preservation of the liberties and independence of his country.

When Mr. Clay arose and said: It is my intention, Mr. Chairman, to withdraw the latter resolution. Since I offered it, this House (by the passage of the bill to prevent, under suitable penalties, in future, the acceptance of presents, forbidden by the Constitution, to prohibit the carrying of foreigners in the public vessels, and to limit to the case of our own citizens, and to regulate in that case, the transportation of money in them), has, perhaps, sufficiently animadverted on the violation of the Constitution, which produced that resolution. I confess, that when I heard of Captain Biddle receiving from the deputy of a king the sword in question, I felt greatly mortified. I could not help contrasting his conduct with that of the surgeon on board an American man-of-war, in the bay of Naples (I regret that I do not recollect his name, as I should like to record, with the testimony which I with pleasure bear to his high-minded conduct), who, having performed an operation on one of the suite of the Emperor of Austria, and being offered fifteen hundred pistoles or dollars for his skillful service, re-

turned the purse, and said, that what he had done was the cause of humanity, and that the Constitution of his country forbade his acceptance of the proffered boon. There was not an American heart that did not swell with pride on hearing of his noble disinterestedness. It did appear to me, also, that the time of Captain Biddle's interposition was unfortunate to produce an agreement between the viceroy of Lima and Chili, to exchange their respective prisoners, however desirable the accomplishment of such a humane object might be. The viceroy had constantly refused to consent to any such exchange. And it is an incontestable fact, that the barbarities which have characterized the civil war in Spanish America have uniformly originated with the royalists. After the memorable battle of Maipu, decisive of the independence of Chili, and fatal to the arms of the viceroy, this interposition, if I am not mistaken, took place. The transportation of money, upon freight, from the port of Callao to that of Rio Janeiro, for royalists, appeared to me also highly improper. If we wish to preserve, unsullied, the illustrious character, which our navy justly sustains, we should repress the very first instances of irregularity. But I am willing to believe that Captain Biddle's conduct has been inadvertent. He is a gallant officer, and belongs to a respectable and patriotic family. His errors, I am persuaded, will not be repeated by him or imitated by others. And I trust that there is no man more unwilling than I am, unnecessarily to press reprehension. It is thought, moreover, by some, that the president might feel an embarrassment in executing the duty required of him by the resolution, which it was far from my purpose to cause him. I withdraw it.

There is no connection intended, or in fact, between that resolution and the one I now propose briefly to discuss. The proposition, to recognize the independent governments of South America, offers a subject of as great importance as any which could claim the deliberate consideration of this House.

Mr. Clay then went on to say, that it appeared to him the object of this government, heretofore, had been, so to manage its affairs, in regard to South America, as to produce an effect on its existing negotiations with the parent country. The House were now apprised, by the message from the president, that this policy had totally failed; it had failed, because our country would not dishonor itself by surrendering one of the most important rights incidental to sovereignty. Although we had observed a course toward the patriots, as Mr. Gallatin said, in his communication read yesterday, greatly exceeding in rigor the course pursued toward them either by France or England; although, also, as was remarked by the Secretary of State, we had observed a neutrality so strict that blood had been spilt in enforcing it; still, Spanish honor was not satisfied, and fresh sacrifices were demanded of us. If they were not resisted in form, they were substantially yielded by our course as to South America. We will not stipulate with Spain not to recognize the independence of the south; but we nevertheless grant her all she demands.

Mr. Clay said, it had been his intention to have gone into a general view of the course of policy which has characterized the general government; but on account of the lateness of the session, and the desire for an early adjournment, he should waive, for that purpose, and, in the observations he had to make, confine himself pretty much to events subsequent to the period at which he had submitted to the House a proposition having nearly the same object as this.

After the return of our commissioners from South America; after they had all agreed in attesting the fact of independent sovereignty being exercised by the government of Buenos Ayres; the whole nation looked forward to the recognition of the independence of that country, as the policy which the government ought to pursue. He appealed to every member to say, whether there was not a general opinion, in case the report of that mission should turn out as it did, that the recognition of the independence of that government would follow, as a matter of course. The surprise at a different course being pursued by the executive at the last session, was proportionably great. On this subject, so strong was the message of the president at the commencement of the present session, that some of the presses took it for granted, that the recognition would follow of course, and a paper in this neighborhood has said that there was, in regard to that question, a race of popularity between the President of the United States and the humble individual who now addresses the House. Yet, faithless Ferdinand refuses to ratify his own treaty, on the pretext of violations of our neutrality; but in fact, because we will not basely surrender an important attribute of sovereignty. Two years ago, he said, would, in his opinion, have been the proper time for recognizing the independence of the South. Then the struggle was somewhat doubtful, and a kind office on the part of this government would have had a salutary effect. Since that period, what had occurred? Any thing to prevent a recognition of their independence, or to make it less expedient? No; every occurrence tended to prove the capacity of that country to maintain its independence. He then successively adverted to the battles of Maipu, and Bojaca, their great brilliancy, and their important consequences. Adverting to the union of Venezuela and New Granada in one republic, he said, one of the first acts was, to appoint one of their most distinguished citizens, the vice president Zea, a minister to this country. There was a time, he said, when impressions are made on individuals and nations, by kindness toward them, which lasts forever, when they are surrounded with enemies, and embarrassments present themselves. Ages and ages may pass away, said he, before we forget the help we received in our day of peril, from the hands of France. Her injustice, the tyranny of her despot, may alienate us for a time; but, the moment it ceases, we relapse into a good feeling toward her. Do you mean to wait, said he, until these republics are recognized by the whole world, and then step in and extend your hand to them, when it can no longer be withheld? If we are

to believe General Vives, we have gone about among foreign powers, and consulted with Lord Castlereagh and Count Nesselrode, to seek some aid in recognizing the independence of these powers. What! after the president has told us that the recognition of the independence of nations is an incontestable right of sovereignty, shall we lag behind till the European powers think proper to advance? The president has assigned, as a reason for abstaining from the recognition, that the Congress of Aix-la-Chapelle might take offense at it. So far from such an usurped interference being a reason for stopping, he would have exerted the right the sooner for it. But the Congress of Aix-la-Chapelle had refused to interfere, and on that point the president was mistaken. Spain, it was true, had gone about begging the nations of Europe not to interfere in behalf of the South Americans; but the wishes of the whole unbiassed world must be in their favor. And while we had gone on, passing neutrality bill after neutrality bill, and bills to punish piracy—with respect to unquestioned piracy, no one was more in favor of punishing it than he; but he had no idea of imputing piracy to men fighting under the flag of a people at war for independence —while he pursued this course, even in advance of the legitimates of Europe, what, he asked, had been the course of England herself on this head? Here he quoted a few passages from the work of Abbe de Pradt, recently translated by one of our citizens, which he said, though the author was not very popular among crowned heads, no man could read without being enlightened and instructed. These passages dwell on the importance of the commerce of South America, when freed from its present restraints, and so forth. What would I give, exclaimed he, could we appreciate the advantages, which may be realized by pursuing the course which I propose! It is in our power to create a system of which we shall be the center and in which all South America will act with us. In respect to commerce, we shall be most benefited; this country would become the place of deposit of the commerce of the world. Our citizens engaged in foreign trade at present were disheartened by the condition of that trade; they must take new channels for it, and none so advantageous could be found, as those which the trade with South America would afford. Mr. Clay took a prospective view of the growth of wealth, and increase of population of this country and South America. That country had now a population of upwaad of eighteen millions. The same activity in the principle of population would exist in that country as here. Twenty-five years hence it might be estimated at thirty-six millions; fifty years hence, at seventy-two millions. We now have a population of ten millions. From the character of our population, we must always take the lead in the prosecution of commerce and manufactures. Imagine the vast power of the two countries, and the value of the intercourse between them, when we shall have a population of forty millions, and they of seventy millions! In relation to South America, the people of the United States will occupy the same position as the people of New England do to the rest of the United States. Our enterprise, in-

dustry, and habits of economy, will give us the advantage in any competition which South America may sustain with us, and so forth.

But, however important our early recognition of the independence of the South might be to us, as respects our commercial and manufacturing interests, was there not another view of the subject, infinitely more gratifying? We should become the center of a system which would constitute the rallying-point of human freedom against all the despotism of the old world. Did any man doubt the feelings of the South toward us? In spite of our coldness toward them, of the rigor of our laws, and the conduct of our officers, their hearts still turned toward us, as to their brethren and he had no earthly doubt, if our government would take the lead and recognize them, they would become yet more anxious to imitate our institutions, and to secure to themselves and to their posterity the same freedom which we enjoy.

On a subject of this sort, he asked, was it possible we could be content to remain, as we now were, looking anxiously to Europe, watching the eyes of Lord Castlereagh, and getting scraps of letters doubtfully indicative of his wishes; and sending to the Czar of Russia and getting another scrap from Count Nesselrode? Why not proceed to act on our own responsibility, and recognize these governments as independent, instead of taking the lead of the holy alliance in a course which jeopardizes the happiness of unborn millions. He deprecated this deference for foreign powers. If Lord Castlereagh says we may recognize, we do; if not, we do not. A single expression of the British minister to the present Secretary of State, then our minister abroad, he was ashamed to say, had molded the policy of our government toward South America. Our institutions now make us free; but how long shall we continue so, if we mold our opinions on those of Europe? Let us break these commercial and political fetters; let us no longer watch the nod of any European politician; let us become real and true Americans, and place ourselves at the head of the American system.

Gentleman all said, they were all anxious to see the independence of the South established. If sympathy for them was enough, the patriots would have reason to be satisfied with the abundant expressions of it. But something more was wanting. Some gentlemen had intimated, that the people of the South were unfit for freedom. Will gentlemen contend, said Mr. Clay, because those people are not like us in all particulars, they are therefore unfit for freedom? In some particulars, he ventured to say, that the people of South America were in advance of us. On the point which had been so much discussed on this floor, during the present session, they were greatly in advance of us. Granada, Venezeula, and Buenos Ayres, had all emancipated their slaves. He did not say that we ought to do so, or that they ought to have done so, under different circumstances; but he rejoiced that the circumstances were such as to permit them to do it.

Two questions only, he argued, were necessarily preliminary to the recognition of the independence of the people of the South; first, as to the

fact of their independence; and, secondly, as to the capacity for self-government. On the first point, not a doubt existed. On the second, there was every evidence in their favor. They had fostered schools with great care, there were more newspapers in the single town of Buenos Ayres (at the time he was speaking) than in the whole kingdom of Spain. He never saw a question discussed with more ability than that in a newspaper of Buenos Ayres, whether a federative or consolidated form of government was best.

But, though every argument in favor of the recognition should be admitted to be just, it would be said, that another revolution had occurred in Spain, and we ought, therefore, to delay. On the contrary, said he, every consideration recommended us to act now. If Spain succeeded in establishing her freedom, the colonies must also be free. The first desire of a government itself free, must be to give liberty to its dependences. On the other hand, if Spain should not succeed in gaining her freedom, no man can doubt that Spain, in her reduced state, would no longer have power to carry on the contest. So many millions of men could not be subjugated by the enervated arm and exhausted means of aged Spain. In ten years of war, the most unimportant province of South America had not been subdued by all the wealth and the resources of Spain. The certainty of the successful resistance of the attempts of Spain to reduce them, would be found in the great extent of the provinces of South America—of larger extent than all the empire of Russia. The relation of the colonies and mother country, could not exist, from the nature of things, under whatever aspect the government of Spain might assume. The condition of Spain was no reason for neglecting now to do what we ought to have done long ago. Every thing, on the contrary, tended to prove that this, this was the accepted time.

With regard to the form of his proposition, all he wanted was, to obtain an expression of the opinion of the House on this subject; and whether a minister should be authorized to one or the other of these governments, or whether he should be of one grade or of another, he cared not. This republic, with the exception of the people of South America, constituted the sole depository of political and religious freedom; and can it be possible, said he, that we can remain passive spectators of the struggle of those people to break the same chains which once bound us? The opinion of the friends of freedom in Europe is, that our policy has been cold, heartless, and indifferent, toward the greatest cause which could possibly engage our affections and enlist our feelings in its behalf.

Mr. Clay concluded by saying that, whatever might be the decision of this House on this question, proposing shortly to go into retirement from public life, he should there have the consolation of knowing that he had used his best exertions in favor of a people inhabiting a territory calculated to contain as many souls as the whole of Christendom besides, whose happiness was at stake, and which it was in the power of this government to do so much toward securing.

ON THE GREEK REVOLUTION.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 20, 1824.

[AMERICAN citizens, who have lived a quarter of a century since they were old enough to observe the public affairs of the world, will even now (1856) vividly remember the exciting interest of the Greek Revolution, the barbarous atrocities of the Turks in attempting to suppress it, and the sympathy of all Christendom for the Greeks, while fighting for independence. It was the Cross against the Crescent, Christianity against Mohammedism. The Greeks being nominally Christians, all Christian nations naturally sympathized with them, more especially on account of the inhumanities practiced by the Turks on the Greeks, when the latter fell into the power of the former. The rules of civilized warfare were utterly disregarded by the Turks, and savage butchery followed in the train of their victories.

The President of the United States, Mr. Monroe, had noticed this struggle in his annual message, and expressed a sympathy for the Greeks, which met with a universal and approving response from the American people. Mr. Webster, then a member of the House of Representatives, introduced the following resolution :

"That provision ought to be made by law for defraying the expense incident to the appointment of an agent or commissioner to Greece, whenever the president shall deem it expedient to make such an appointment."

Upon which he (Mr. Webster) made an able and eloquent speech, which was followed by a speech from Mr. Clay, of which the following is a copy. It hardly need be said that Mr. Clay's sympathies for the South American States, in their struggle for independence, would naturally respond to the Greek Revolution. He seconded most earnestly and vigorously the motion of Mr. Webster, and declared, that if this were Federalism—as had been charged, because it came from Mr. Webster—then he (Mr.

Clay) was a Federalist, and that he would quit the Republican ranks if he could find no sympathy there for such a cause as suffering Greece presented. The Holy Alliance had set itself up as the guardian of European affairs, and of Greece in her present struggle; and it had been suggested in this debate, on the floor of the House, that for Republican America to express her feelings in view of this spectacle, would be displeasing to that tribunal. That was another reason why Mr. Clay would urge the independent and sympathetic action of the government of the United States. He would never be deterred by such a plea *in terrorem* over the feelings of the American heart. We had first and alone recognized the independence of the South American States; and if there were any good reasons for that, the reasons were much stronger to express our sympathy with the Greeks. Although this motion of Mr. Webster, so ably supported by himself and Mr. Clay, failed to obtain a vote of the House of Representatives, the instructions of our government to Commodore Rogers, in the Mediterranean, were doubtless influenced by this debate, as appears by the following extract from a letter of General Lafayette to Mr. Clay, dated La Grange, Nov. 25, 1825: "The rumor of very peculiar acts of benevolence from the American squadron and Commodore Rogers in behalf of the Greeks, which has produced no party complaint that I know of, has, in the enlightened and liberal part of the world, added to the popularity and dignity of the American name." This incidental and indirect evidence verifies the argument of Mr. Clay, that nothing could be lost, and much might be gained, by our showing favor to the cause of the Greek Revolution.]

In rising, let me state distinctly the substance of the original proposition of the gentleman from Massachusetts (Mr. Webster), with that of the amendment of the gentleman from South Carolina (Mr. Poinsett). The resolution proposes a provision of the means to defray the expense of deputing a commissioner or agent to Greece, whenever the president, who knows, or ought to know, the disposition of all the European powers, Turkish or Christian, shall deem it proper. The amendment goes to withhold any appropriation to that object, but to make a public declaration of our sympathy with the Greeks, and of our good wishes for the success of their cause. And how has this simple, unpretending, unambitious, this harmless proposition, been treated in debate? It has been argued as if it offered aid to the Greeks; as if it proposed the recognition of the independence of their government; as a measure of unjustifiable interference

in the internal affairs of a foreign State, and, finally, as war. And they who thus argue the question, while they absolutely surrender themselves to the illusions of their own fervid imaginations, and depict, in glowing terms, the monstrous and alarming consequences which are to spring out of a proposition so simple, impute to us, who are its humble advocates, quixotism, quixotism! While they are taking the most extravagant and boundless range, and arguing any thing and every thing but the question before the committee, they accuse us of enthusiasm, of giving the reins to excited feeling, of being transported by our imaginations. No, sir, the resolution is no proposition for aid, nor for recognition, nor for interference, nor for war.

I know that there are some who object to the resolution on account of the source from which it has sprung—who except to its mover, as if its value or importance were to be estimated by personal considerations. I have long had the pleasure of knowing the honorable gentleman from Massachusetts, and sometimes that of acting with him; and I have much satisfaction in expressing my high admiration of his great talents. But I would appeal to my republican friends, those faithful sentinels of civil liberty with whom I have ever acted, shall we reject a proposition, consonant to our principles, favoring the good and great cause, on account of the political character of its mover? Shall we not rather look to the intrinsic merits of the measure, and seek every fit occasion to strengthen and perpetuate liberal principles and noble sentiments? If it were possible for republicans to cease to be champions of human freedom, and if federalists become its only supporters, I would cease to be a republican; I would become a federalist. The preservation of the public confidence can only be secured, or merited, by a faithful adherence to the principles by which it has been acquired.

Mr. Chairman, is it not extraordinary that for these two successive years the president of the United States should have been freely indulged, not only without censure, but with universal applause, to express the feelings which both the resolution and the amendment proclaim, and yet, if this House venture to unite with him, the most awful consequences are to ensue? From Maine to Georgia, from the Atlantic ocean to the Gulf of Mexico, the sentiment of approbation has blazed with the rapidity of electricity. Everywhere the interest in the Grecian cause is felt with the deepest intensity, expressed in every form, and increases with every new day and passing hour. And are the representatives of the people alone to be insulated from the common moral atmosphere of the whole land? Shall we shut ourselves up in apathy, and separate ourselves from our country, from our constituents, from our chief magistrate, from our principles?

The measure has been most unreasonably magnified. Gentlemen speak of the watchful jealousy of the Turk, and seem to think the slightest movement of this body will be matter of serious speculation at Constanti-

nople. I believe that neither the sublime porte, nor the European allies, attach any such exaggerated importance to the acts and deliberations of this body. The Turk will, in all probability, never hear of the names of the gentlemen who either espouse or oppose the resolution. It certainly is not without a value; but that value is altogether moral; it throws our little tribute into the vast stream of public opinion, which sooner or later must regulate the physical action upon the great interests of the civilized world. But, rely upon it, the Ottoman is not about to declare war against us because this unoffending proposition has been offered by my honorable friend from Massachusetts, whose name, however distinguished and eminent he may be in our own country, has probably never reached the ears of the sublime porte. The allied powers are not going to be thrown into a state of consternation, because we appropriate some two or three thousand dollars to send an agent to Greece.

The question has been argued as if the Greeks would be exposed to still more shocking enormities by its passage; as if the Turkish cimeter would be rendered still keener, and dyed deeper and yet deeper in Christian blood. Sir, if such is to be the effect of the declaration of our sympathy, the evil has been already produced. That declaration has been already publicly and solemnly made by the chief magistrate of the United States, in two distinct messages. It is this document which commands, at home and abroad, the most fixed and universal attention; which is translated into all the foreign journals; read by sovereigns and their ministers; and, possibly, in the Divan itself. But our resolutions are domestic, for home consumption, and rarely, if ever, meet imperial or royal eyes. The president, in his messages, after a most touching representation of the feelings excited by the Greek insurrection, tells you that the dominion of the Turk is gone forever; and that the most sanguine hope is entertained that Greece will achieve her independence. Well, sir, if this be the fact, if the allied powers themselves may, possibly, before we again assemble in this hall, acknowledge that independence, is it not fit and becoming in this House to make provision that our president shall be among the foremost, or at least not among the last, in that acknowledgment? So far from this resolution being likely to whet the vengeance of the Turk against his Grecian victims, I believe its tendency will be directly the reverse. Sir, with all his unlimited power, and in all the elevation of his despotic throne, he is at last but a man, made as we are, of flesh, of muscle, of bone and sinew. He is susceptible of pain, and can feel, and has felt the uncalculating valor of American freemen in some of his dominions. And when he is made to understand that the executive of this government is sustained by the representatives of the people; that our entire political fabric, base, column, and entablature, rulers and people, with heart, soul, mind and strength, are all on the side of the gallant people whom he would crush, he will be more likely to restrain than to increase his atrocities upon suffering and bleeding Greece.

The gentleman from New Hampshire (Mr. Bartlett) has made, on this occasion, a very ingenious, sensible, and ironical speech—an admirable *début* for a new member, and such as I hope we shall often have repeated on this floor. But permit me to advise my young friend to remember the maxim, "that sufficient unto the day is the evil thereof;" and when the resolution,* on another subject, which I had the honor to submit, shall come up to be discussed, I hope he will not content himself with saying, as he has now done, that it is a very extraordinary one; but that he will then favor the House with an argumentative speech, proving that it is our duty quietly to see laid prostrate every fortress of human hope, and to behold, with indifference, the last outwork of liberty taken and destroyed.

It has been said that the proposed measure will be a departure from our uniform policy with respect to foreign nations; that it will provoke the wrath of the holy alliance; and that it will, in effect, be a repetition of their own offense, by an unjustifiable interposition in the domestic concerns of other powers. No, sir, not even if it authorized, which it does not, an immediate recognition of Grecian independence. What has been the settled and steady policy and practice of this government, from the days of Washington to the present moment? In the case of France, the father of his country and his successors received Genet, Fouchet, and all the French ministers who followed them, whether sent from king, convention, anarchy, emperor, or king again. The rule we have ever followed has been this: to look at the state of the fact, and to recognize that government, be it what it might, which was in actual possession of sovereign power. When one government is overthrown, and another is established on its ruins, without embarrasssing ourselves with any of the principles involved in the contest, we have ever acknowledged the new and actual government as soon as it had undisputed existence. Our simple inquiry has been, is there a government *de facto?* We have had a recent and memorable example. When the allied ministers retired from Madrid, and refused to accompany Ferdinand to Cadiz, ours remained, and we sent out a new minister, who sought at that port to present himself to the constitutional king. Why? Because it was the government of Spain, in fact. Did the allies declare war against us for the exercise of this incontestable attribute of sovereignty? Did they even transmit any diplomatic note complaining of our conduct? The line of our European policy has been so plainly described that it is impossible to mistake it. We are to abstain from all interference in their disputes, to take no part in their contests, to make no entangling alliances with any of them; but to assert and exercise our indisputable right of opening and maintaining diplomatic intercourse with any actual sovereignty.

There is reason to apprehend that a tremendous storm is ready to

* Mr. Clay's resolution, that the people of the United States would not regard with indifference any interference of the holy alliance against the independence of South America.

burst upon our happy country—one which may call into action all our vigor, courage, and resources. Is it wise or prudent, in preparing to breast the storm, if it must come, to talk to this nation of its incompetency to repel European aggression—to lower its spirit, to weaken its moral energy, and to qualify it for easy conquest and base submission? If there be any reality in the dangers which are supposed to encompass us, should we not animate the people, and adjure them to believe, as I do, that our resources are ample; and that we can bring into the field a million of freemen, ready to exhaust their last drop of blood, and to spend the last cent in the defense of the country, its liberty, and its institutions? Sir, are these, if united, to be conquered by all Europe combined? All the perils to which we can possibly be exposed are much less in reality than the imagination is disposed to paint them. And they are best averted by a habitual contemplation of them, by reducing them to their true dimensions. If combined Europe is to precipitate itself upon us, we can not too soon begin to invigorate our strength, to teach our heads to think, our hearts to conceive, and our arms to execute the high and noble deeds which belong to the character and glory of our country. The experience of the world instructs us, that conquests are already achieved which are boldly and firmly resolved on; and that men only become slaves who have ceased to resolve to be free. If we wish to cover ourselves with the best of all armor, let us not discourage our people, let us stimulate their ardor, let us sustain their resolution, let us proclaim to them that we feel as they feel, and that, with them, we are determined to live or die like freemen.

Surely, sir, we need no long or learned lectures about the nature of government, and the influence of property or ranks on society. We may content ourselves with studying the true character of our own people, and with knowing that the interests are confided to us of a nation capable of doing and suffering all things for its liberty. Such a nation, if its rulers be faithful, must be invincible. I well remember an observation made to me by the most illustrious female of the age, if not of her sex, Madame de Staël. All history showed, she said, that a nation was never conquered. No, sir, no united nation, that resolves to be free, can be conquered. And has it come to this? Are we so humbled, so low, so debased, that we dare not express our sympathy for suffering Greece; that we dare not articulate our detestation of the brutal excesses of which she has been the bleeding victim, lest we might offend some one or more of their imperial and royal majesties? If gentlemen are afraid to act rashly on such a subject, suppose, Mr. Chairman, that we unite in an humble petition, addressed to their majesties, beseeching them, that of their gracious condescension, they would allow us to express our feelings and our sympathies. How shall it run? "We, the representatives of the free people of the United States of America, humbly approach the thrones of your imperial and royal majesties, and supplicate that, of your imperial and royal clemency—" I can not go through the disgusting recital; my lips

have not yet learned to pronounce the sycophantic language of a degraded slave! Are we so mean, so base, so despicable, that we may not attempt to express our horror, utter our indignation, at the most brutal and atrocious war that ever stained earth or shocked high heaven? at the ferocious deeds of a savage and infuriated soldiery, stimulated and urged on by the clergy of a fanatical and inimical religion, and rioting in all the excesses of blood and butchery, at the mere details of which the heart sickens and recoils?

If the great body of Christendom can look on calmly and coolly, while all this is perpetrated on a Christian people, in its own immediate vicinity, in its very presence, let us at least evince, that one of its remote extremities is susceptible of sensibility to Christian wrongs, and capable of sympathy for Christian sufferings; that in this remote quarter of the world there are hearts not yet closed against compassion for human woes, that can pour out their indignant feelings at the oppression of a people endeared to us by every ancient recollection, and every modern tie. Sir, attempts have been made to alarm the committee by the dangers to our commerce in the Mediterranean; and a wretched invoice of figs and opium has been spread before us to repress our sensibilities and to eradicate our humanity. Ah! sir, "what shall it profit a man if he gain the whole world and lose his own soul?" or what shall it avail a nation to save the whole of a miserable trade, and lose its liberties?

On the subject of the other independent American States, hitherto it has not been necessary to depart from the rule of our foreign relations, observed in regard to Europe. Whether it will become us to do so or not, will be considered when we take up another resolution, lying on the table. But we may not only adopt this measure: we may go further; we may recognize the government in the Morea, if actually independent, and it will be neither war, nor cause of war, nor any violation of our neutrality. Beside, sir, what is Greece to the allies? A part of the dominions of any of them? By no means. Suppose the people in one of the Philippine Isles, or any other spot still more insulated and remote, in Asia or Africa, were to resist their former rulers, and set up and establish a new government, are we not to recognize them, in dread of the holy allies? If they are going to interfere, from the danger of the contagion of the example, here is the spot, our own favored land, where they must strike. This government, you, Mr. Chairman, and the body over which you preside, are the living and cutting reproach to allied despotism. If we are to offend them, it is not by passing this resolution. We are daily and hourly giving them cause of war. It is here, and in our free institutions, that they will assail us. They will attack us because you sit beneath that canopy, and we are freely debating and deliberating upon the great interests of freemen, and dispensing the blessings of free government. They will strike, because we pass one of those bills on your table. The passage of the least of them, by our free authority, is more galling to

despotic powers, than would be the adoption of this so much dreaded resolution. Pass it, and what do you do? You exercise an indisputable attribute of sovereignty, for which you are responsible to none of them. You do the same when you perform any other legislative function; no less. If the allies object to this measure, let them forbid us to take a vote in this House; let them strip us of every attribute of independent government; let them disperse us.

Will gentlemen attempt to maintain that, on the principles of the law of nations, those allies would have cause of war? If there be any principle which has been settled for ages, any which is founded in the very nature of things, it is that every independent state has the clear right to judge of the *fact* of the existence of other sovereign powers. I admit that there may be a state of inchoate initiative sovereignity, in which a new government, just struggling into being, can not be said yet perfectly to exist. But the premature recognition of such new government can give offense justly to no other than its ancient sovereign. The right of recognition comprehends the right to be informed; and the means of information must, of necessity, depend upon the sound discretion of the party seeking it. You may send out a commission of inquiry, and charge it with a provident attention to your own people and your own interests. Such will be the character of the proposed agency. It will not necessarily follow, that any public functionary will be appointed by the president. You merely grant the means by which the executive may act when *he* thinks proper. What does he tell you in his message? That Greece is contending for her independence; that all sympathize with her; and that no power has declared against her. Pass this resolution, and what is the reply which it conveys to him? "You have sent us grateful intelligence; we feel warmly for Greece, and we grant you money, that, when you shall think it proper, when the interests of this nation shall not be jeoparded, you may depute a commissioner or public agent to Greece." The whole responsibility is then left where the Constitution puts it. A member in his place may make a speech or proposition, the House may even pass a vote, in respect to our foreign affairs, which the president, with the whole field lying full before him, would not deem it expedient to effectuate.

But, sir, it is not for Greece alone that I desire to see this measure adopted. It will give to her but little support, and that purely of a moral kind. It is principally for America, for the credit and character of our common country, for our own unsullied name, that I hope to see it pass. Mr. Chairman, what appearance on the page of history would a record like this exhibit? "In the month of January, in the year of our Lord and Saviour, 1824, while all European Christendom beheld, with cold and unfeeling indifference, the unexampled wrongs and inexpressible misery of Christian Greece, a proposition was made in the Congress of the United States, almost the sole, the last, the greatest depository of human hope and

human freedom, the representatives of a gallant nation, containing a million of freemen ready to fly to arms, while the people of that nation were spontaneously expressing its deep-toned feeling, and the whole continent, by one simultaneous emotion, was rising, and solemnly and anxiously supplicating and invoking high heaven to spare and succor Greece, and to invigorate her arms in her glorious cause, while temples and senate houses were alike resounding with one burst of generous and holy sympathy; in the year of our Lord and Saviour, that Saviour of Greece and of us; a proposition was offered in the American Congress to send a messenger to Greece, to inquire into her state and condition, with a kind expression of our good wishes and our sympathies—and it was rejected!" Go home, if you can; go home if you dare, to your constituents, and tell them that you voted it down; meet, if you can, the appalling countenances of those who sent you here, and tell them that you shrank from the declaration of your own sentiments; that you can not tell how, but that some unknown dread, some indescribable apprehension, some indefinable danger, drove you from your purpose; that the specters of cimeters, and crowns, and crescents, gleamed before you and alarmed you; and that you suppressed all the noble feelings prompted by religion, by liberty, by national independence, and by humanity. I can not bring myself to believe, that such will be the feeling of a majority of the committee. But, for myself, though every friend of the cause should desert it, and I be left to stand alone with the gentleman from Massachusetts, I will give to his resolution the poor sanction of my unqualified approbation.

ON AMERICAN INDUSTRY.

IN THE HOUSE OF REPRESENTATIVES, MARCH 30 AND 31, 1824.

[WE come now to one of the most elaborate compositions of Mr. Clay, on a theme in which he always felt the deepest interest. No one can read the following speech without being sensible of the patient study and profound investigation, which it must have cost the author. Simple and unadorned, as Mr. Clay's style always is, this is, nevertheless, what may be called an ornate, as well as an elaborate production. It is one of the greatest studies of his life, and the subject was worthy of it—called for it. We have before noticed the failure of the tariff bill of 1820, for lack of a single vote in the Senate, and how much depended upon it. After the close of the war of 1812, down to 1820, the country had suffered incalculably for want of adequate protection to home industry, and the loss of the tariff of 1820 was a calamity the extent of which could not be estimated. Besides the almost total paralysis of domestic trade and foreign commerce, and the painful contraction of the currency, Mr. Clay's estimate of the average depression of fifty per cent. in all kinds of property in the country, by reason of these misfortunes, was by no means extravagant. What an amazing reckoning this, if it were a just one! Four years from 1820, the country had gone on suffering in this manner, in addition to all the disadvantages of the previous four years, from 1816 to 1820. If Mr. Clay's patriotism could ever prompt him to a great effort—of which no one will doubt—it was during the pendency of the tariff bill of 1824. The protection of American manufactures was a subject of which Mr. Clay was now perfect master. He had studied it profoundly for more than twenty years, and had often advocated it, first, in the Legislature of Kentucky, and afterward, in Congress. He had closely observed the painful experience of the country from 1816 to 1824, for want of protection, and he came to the argument of the following speech armed with facts, and stimulated in a high degree by his patriotic zeal. It was in this speech that his AMERICAN

SYSTEM was baptized by himself, and leaped from the font, to bear that name forever in the political history of the country. The tariff of 1824 passed both Houses of Congress, was approved by the president (somewhat reluctantly), and became a law. In reference to this tariff, Mr. Clay said, in 1832, being then in the Senate: "If I were to select any term of seven years, since the adoption of the present Constitution, which exhibited a scene of the most wide-spread dismay and desolation, it would be exactly that term of seven years which immediately preceded the establishment of the tariff of 1824; and if the term of seven years were to be selected, of the greatest prosperity which this people have enjoyed, since the establishment of their present Constitution, it would be exactly that period of seven years which immediately followed the passage of the tariff of 1824." This description of these two cycles of our history will, perhaps, be enough to commend to the profoundest consideration the following great argument of Mr. Clay, when it is considered, that it was greatly, not to say chiefly, influential, in procuring the adoption of the tariff of 1824. It is the most compact and best constructed paper that was ever written upon the subject—a condensation of Mr. Clay's thoughts, of his reasonings, and of the fruits of his researches on this theme, for a quarter of a century—all brought to bear on this occasion.]

THE gentleman from Virginia (Mr. Barbour) has embraced the occasion produced by the proposition of the gentleman from Tennessee to strike out the minimum price in the bill on cotton fabrics, to express his sentiments at large on the policy of the pending measure; and it is scarcely necessary for me to say he has evinced his usual good temper, ability, and decorum. The parts of the bill are so intermingled and interwoven together, that there can be no doubt of the fitness of this occasion to exhibit its merits or its defects. It is my intention, with the permission of the committee, to avail myself also of this opportunity, to present to its consideration those general views, as they appear to me, of the true policy of this country, which imperiously demand the passage of this bill. I am deeply sensible, Mr. Chairman, of the high responsibility of my present situation. But that responsibility inspires me with no other apprehension than that I shall be unable to fulfill my duty; with no other solicitude than that I may, at least, in some small degree, contribute to recall my country from the pursuit of a fatal policy, which appears to me inevitably to lead to its impoverishment and ruin. I do feel most awfully this responsibility. And, if it were allowable for us, at the present day, to imitate ancient examples, I would invoke the aid of the Most High. I

would anxiously and fervently implore His divine assistance; that He would be graciously pleased to shower on my country His richest blessings; and that He would sustain, on this interesting occasion, the humble individual who stands before Him, and lend him the power, moral and physical, to perform the solemn duties which now belong to his public station.

Two classes of politicians divide the people of the United States. According to the system of one, the produce of foreign industry should be subjected to no other impost than such as may be necessary to provide a public revenue; and the produce of American industry should be left to sustain itself, if it can, with no other than that incidental protection, in its competition, at home as well as abroad, with rival foreign articles. According to the system of the other class, while they agree that the imposts should be mainly, and may under any modification be safely, relied on as a fit and convenient source of public revenue, they would so adjust and arrange the duties on foreign fabrics as to afford a gradual but adequate protection to American industry, and lessen our dependence on foreign nations, by securing a certain and ultimately a cheaper and better supply of our own wants from our own abundant resources. Both classes are equally sincere in their respective opinions, equally honest, equally patriotic, and desirous of advancing the prosperity of the country. In the discussion and consideration of these opposite opinions, for the purpose of ascertaining which has the support of truth and reason, we should, therefore, exercise every indulgence, and the greatest spirit of mutual moderation and forbearance. And, in our deliberations on this great question, we should look fearlessly and truly at the actual condition of the country, retrace the causes which have brought us into it, and snatch, if possible, a view of the future. We should, above all, consult experience—the experience of other nations, as well as our own—as our truest and most unerring guide.

In casting our eyes around us, the most prominent circumstance which fixes our attention, and challenges our deepest regret, is the general distress which pervades the whole country. It is forced upon us by numerous facts of the most incontestable character. It is indicated by the diminished exports of native produce; by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthreshed crops of grain, perishing in our barns and barn-yards for the want of a market; by the alarming diminution of the circulating medium; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society; by a universal complaint of the want of employment, and a consequent reduction of the wages of labor; by the ravenous pursuit after public situations, not for the sake of their honors and the performance of their public duties, but as a means of private subsistence; by the reluctant resort to the perilous use of paper money; by the intervention of legislation in the delicate relation between debtor and creditor; and above all, by the low and depressed state of the value of almost every

description of the whole mass of the property of the nation, which has, on an average, sunk not less than about fifty per centum within a few years. This distress pervades every part of the Union, every class of society; all feel it, though it may be felt, at different places, in different degrees. It is like the atmosphere which surrounds us—all must inhale it, and none can escape it. In some places it has burst upon our people, without a single mitigating circumstance to temper its severity. In others, more fortunate, slight alleviations have been experienced in the expenditure of the public revenue, and in other favoring causes. A few years ago, the planting interest consoled itself with its happy exemptions, but it has now reached this interest also, which experiences, though with less severity, the general suffering. It is most painful to me to attempt to sketch or to dwell on the gloom of this picture. But I have exaggerated nothing. Perfect fidelity to the original would have authorized me to have thrown on deeper and darker hues. And it is the duty of the statesman, no less than that of the physician, to survey, with a penetrating, steady, and undismayed eye, the actual condition of the subject on which he would operate; to probe to the bottom the diseases of the body politic, if he would apply efficacious remedies. We have not, thank God, suffered in any great degree for food. But distress, resulting from the absence of a supply of the mere physical wants of our nature, is not the only nor perhaps the keenest distress, to which we may be exposed. Moral and pecuniary suffering is, if possible, more poignant. It plunges its victim into hopeless despair. It poisons, it paralyzes, the spring and source of all useful exertion. Its unsparing action is collateral as well as direct. It falls with inexorable force at the same time upon the wretched family of embarrassment and insolvency, and upon its head. They are a faithful mirror, reflecting back upon him, at once, his own frightful image, and that, no less appalling, of the dearest objects of his affection. What is the CAUSE of this wide-spreading distress, of this deep depression, which we behold stamped on the public countenance? We are the same people. We have the same country. We can not arraign the bounty of Providence. The showers still fall in the same grateful abundance. The sun still casts his genial and vivifying influence upon the land; and the land, fertile and diversified in its soils as ever, yields to the industrious cultivator, in boundless profusion, its accustomed fruits, its richest treasures. Our vigor is unimpaired. Our industry has not relaxed. If ever the accusation of wasteful extravagance could be made against our people, it can not now be justly preferred. They, on the contrary, for the few last years, at least, have been practicing the most rigid economy. The causes, then, of our present affliction, whatever they may be, are human causes, and human causes not chargeable upon the people, in their private and individual relations.

What, again I would ask, is the CAUSE of the unhappy condition of our country, which I have faintly depicted? It is to be found in the fact, that during almost the whole existence of this government, we have shaped our

industry, our navigation, and our commerce, in reference to an extraordinary war in Europe, and to foreign markets, which no longer exist; in the fact, that we have depended too much upon foreign sources of supply, and excited too little the native; in the fact that, while we have cultivated, with assiduous care, our foreign resources, we have suffered those at home to wither, in a state of neglect and abandonment.

The consequence of the termination of the war of Europe has been, the resumption of European commerce, European navigation, and the extension of European agriculture and European industry, in all its branches. Europe, therefore, has no longer occasion, to any thing like the same extent as that she had during her wars, for American commerce, American navigation, the produce of American industry. Europe, in commotion, and convulsed throughout all her members, is to America no longer the same Europe as she is now, tranquil, and watching with the most vigilant attention all her own peculiar interests, without regard to the operation of her policy upon us. The effect of this altered state of Europe upon us has been to circumscribe the employment of our marine, and greatly to reduce the value of the produce of our territorial labor. The further effect of this twofold reduction has been, to decrease the value of all property, whether on the land or on the ocean, and which I suppose to be about fifty per centum. And the still further effect has been, to diminish the amount of our circulating medium, in a proportion not less, by its transmission abroad, or its withdrawal by the banking institutions, from a necessity which they could not control. The quantity of money, in whatever form it may be, which a nation wants, is in proportion to the total mass of its wealth, and to the activity of that wealth. A nation that has but little wealth, has but a limited want of money. In stating the fact, therefore, that the total wealth of the country has diminished, within a few years, in a ratio of about fifty per centum, we shall, at once, fully comprehend the inevitable reduction which must have ensued, in the total quantity of the circulating medium of the country. A nation is most prosperous when there is a gradual and untempting addition to the aggregate of its circulating medium. It is in a condition the most adverse, when there is a rapid diminution in the quantity of the circulating medium, and a consequent depression in the value of property. In the former case, the wealth of individuals insensibly increases, and income keeps ahead of expenditure. But in the latter instance, debts have been contracted, engagements made, and habits of expense established, in reference to the existing state of wealth and of its representative. When these come to be greatly reduced, individuals find their debts still existing, their engagements unexecuted, and their habits inveterate. They see themselves in the possession of the same property, on which, in good faith, they had bound themselves. But that property, without their fault, possesses no longer the same value; and hence discontent, impoverishment, and ruin, arise. Let us suppose, Mr. Chairman, that Europe was again the theater of such a gen-

eral war as recently raged throughout all her dominions—such a state of the war as existed in her greatest exertions and in our greatest prosperity; instantly there would arise a greedy demand for the surplus produce of our industry, for our commerce, for our navigation. The langor which now prevails in our cities, and in our sea-ports, would give way to an animated activity. Our roads and rivers would be crowded with the produce of the interior. Everywhere we should witness excited industry. The precious metals would reflow from abroad upon us. Banks, which have maintained their credit, would revive their business; and new banks would be established to take the place of those which have sunk beneath the general pressure. For it is a mistake to suppose that they have produced our present adversity; they may have somewhat aggravated it, but they were the effect and the evidence of our prosperity. Prices would again get up; the former value of property would be restored. And those embarrassed persons who have not been already overwhelmed by the times, would suddenly find, in the augmented value of their property, and the renewal of their business, ample means to extricate themselves from all their difficulties. The greatest want of civilized society is, a market for the sale and exchange of the surplus of the produce of the labor of its members. This market may exist at home or abroad, or both; but it must exist somewhere; if society prospers; and, wherever it does exist, it should be competent to the absorption of the entire surplus of production. It is most desirable that there should be both a home and a foreign market. But, with respect to their relative superiority, I can not entertain a doubt. The home market is first in order, and paramount in importance. The object of the bill under consideration, is, to create this home market, and to lay the foundations of a genuine American policy. It is opposed; and it is incumbent upon the partisans of the foreign policy (terms which I shall use without any invidious intent), to demonstrate that the foreign market is an adequate vent for the surplus produce of our labor. But is it so? First, foreign nations can not, if they would, take our surplus produce. If the source of supply, no matter of what, increases in a greater ratio than the demand for that supply, a glut of the market is inevitable, even if we suppose both to remain perfectly unobstructed. The duplication of our population takes place in terms of about twenty-five years. The term will be more and more extended as our numbers multiply. But it will be a sufficient approximation to assume this ratio for the present. We increase, therefore, in population, at the rate of about four per centum per annum. Supposing the increase of our production to be in the same ratio, we should, every succeeding year, have of surplus produce, four per centum more than that of the preceding year, without taking into the account the differences of seasons which neutralize each other. If, therefore, we are to rely upon the foreign market exclusively, foreign consumption ought to be shown to be increasing in the same ratio of four per centum per annum, if it be an adequate vent for our surplus produce. But, as I

have supposed the measure of our increasing production to be furnished by that of our increasing population, so the measure of their power of consumption must be determined by that of the increase of their population. Now, the total foreign population, who consume our surplus produce, upon an average, do not double their aggregate number in a shorter term than that of about one hundred years. Our powers of production increase then, in a ratio four times greater than their powers of consumption. And hence their utter inability to receive from us our surplus produce.

But, secondly, if they could, they will not. The policy of all Europe is adverse to the reception of our agricultural produce, so far as it comes into collision with its own; and under that limitation we are absolutely forbid to enter their ports, except under circumstances which deprive them of all value as a steady market. The policy of all Europe rejects those great staples of our country which consist of objects of human subsistence. The policy of all Europe refuses to receive from us any thing but those raw materials of smaller value, essential to their manufactures, to which they can give a higher value, with the exception of tobacco and rice, which they can not produce. Even Great Britain, to which we are its best customer, and from which we receive nearly one half in value of our whole imports, will not take from us articles of subsistence produced in our country cheaper than can be produced in Great Britain. In adopting this exclusive policy, the States of Europe do not inquire what is best for us, but what suits themselves respectively; they do not take jurisdiction of the question of our interests, but limit the object of their legislation to that of the conservation of their own peculiar interests, leaving us free to prosecute ours as we please. They do not guide themselves by that romantic philanthropy, which we see displayed here, and which invokes us to continue to purchase the produce of foreign industry, without regard to the state or prosperity of our own, that foreigners may be pleased to purchase the few remaining articles of ours, which their restricted policy has not yet absolutely excluded from their consumption. What sort of a figure would a member of the British Parliament have made, what sort of a reception would his opposition have obtained, if he had remonstrated against the passage of the corn-law, by which British consumption is limited to the bread-stuffs of British production, to the entire exclusion of American, and stated, that America could not and would not buy British manufactures, if Britain did not buy American flour?

Both the inability and the policy of foreign powers, then, forbid us to rely upon the foreign market, as being an adequate vent for the surplus produce of American labor. Now let us see if this general reasoning is not fortified and confirmed by the actual experience of this country. If the foreign market may be safely relied upon, as furnishing an adequate demand for our surplus produce, then the official documents will show a progressive increase, from year to year, in the exports of our native pro-

duce, in a proportion equal to that which I have suggested. If, on the contrary, we shall find from them that, for a long term of past years, some of our most valuable staples have retrograded, some remained stationary, and others advanced but little, if any, in amount, with the exception of cotton, the deductions of reason and the lessons of experience will alike command us to withdraw our confidence in the competency of the foreign market. The total amount of all our exports of domestic produce for the year, beginning in 1795, and ending on the thirtieth September, 1796, was forty millions seven hundred and sixty-four thousand and ninety-seven. Estimating the increase according to the ratio of the increase of our population, that is, at four per centum per annum, the amount of the exports of the same produce, in the year ending on the thirtieth of September last, ought to have been eighty-five millions four hundred and twenty thousand eight hundred and sixty-one. It was in fact, only forty-seven millions one hundred and fifty-five thousand four hundred and eight. Taking the average of five years, from 1803 to 1807, inclusive, the amount of native produce exported, was forty-three millions two hundred and two thousand seven hundred and fifty-one for each of those years. Estimating what it ought to have been, during the last year, applying the principle suggested to that amount, there should have been exported seventy-seven millions seven hundred and sixty-six thousand seven hundred and fifty-one, instead of forty-seven millions one hundred and fifty-five thousand four hundred and eight. If these comparative amounts of the aggregate actual exports, and what they ought to have been, be discouraging, we shall find, on descending into particulars, still less cause of satisfaction. The export of tobacco in 1791, was one hundred and twelve thousand four hundred and twenty-eight hogsheads. That was the year of the largest exportation of that article; but it is the only instance in which I have selected the maximum of exportation. The amount of what we ought to have exported last year, estimated according to the scale of increase which I have used, is two hundred and sixty-six thousand three hundred and thirty-two hogsheads. The actual export was ninety-nine thousand and nine hogsheads. We exported, in 1803, the quantity of one million three hundred and eleven thousand eight hundred and fifty-three barrels of flour; and ought to have exported last year, two millions three hundred and sixty-one thousand three hundred and thirty-three barrels. We, in fact, exported only seven hundred and fifty-six thousand seven hundred and two barrels. Of that quantity, we sent to South America one hundred and fifty thousand barrels, according to a statement furnished me by the diligence of a friend near me (Mr. Poinsett), to whose valuable mass of accurate information, in regard to that interesting quarter of the world, I have had occasion frequently to apply. But that demand is temporary, growing out of the existing state of war. Whenever peace is restored to it, and I now hope that the day is not distant when its independence will be generally acknowledged, there can not be a doubt that it will supply its own consumption.

In all parts of it, the soil, either from climate or from elevation, is well suapted to the culture of wheat; and nowhere can better wheat be produced, than in some portions of Mexico and Chili. Still the market of South America, is one which, on other accounts, deserves the greatest consideration. And I congratulate you, the committee, and the country, on the recent adoption of a more auspicious policy toward it.

We exported, in 1803, Indian corn to the amount of two millions seventy-four thousand six hundred and eight bushels. The quantity should have been, in 1823, three millions seven hundred and thirty-four thousand two hundred and eighty-eight bushels. The actual quantity exported, was seven hundred and forty-nine thousand and thirty-four bushels, or about one fifth of what it should have been, and a little more than one third of what it was more than twenty years ago. We ought not, then, to be surprised at the extreme depression of the price of that article, of which I have heard my honorable friend (Mr. Bassett) complain, nor of the distress of the corn-growing districts adjacent to the Chesapeake Bay. We exported seventy-seven thousand nine hundred and thirty-four barrels of beef in 1803, and last year but sixty-one thousand four hundred and eighteen, instead of one hundred and forty thousand two hundred and seventy-four barrels. In the same year (1803) we exported ninety-six thousand six hundred and two barrels of pork, and last year fifty-five thousand five hundred and twenty-nine, instead of one hundred and seventy-three thousand eight hundred and eighty-two barrels. Rice has not advanced, by any means, in the proportion, which it ought to have done. All the small articles, such as cheese, butter, candles, and so forth, too minute to detail, but important in their aggregate, have also materially diminished. Cotton alone has advanced. But, while the quantity of it is augmented, its actual value is considerably diminished. The total quantity last year, exceeded that of the preceding year, by nearly thirty millions of pounds. And yet the total value of the year of smaller exportation, exceeded that of the last year by upward of three and a half millions of dollars. If this article, the capacity of our country to produce which was scarcely known in 1790, were subtracted from the mass of our exports, the value of the residue would only be a little upward of twenty-seven millions during the last year. The distribution of the articles of our exports throughout the United States, can not fail to fix the attention of the committee. Of the forty-seven millions one hundred and fifty-five thousand four hundred and eight to which they amounted last year, three articles alone (cotton, rice, and tobacco) composed together twenty-eight millions five hundred and forty-nine thousand one hundred and seventy-seven. Now these articles are chiefly produced at the South. And if we estimate that portion of our population who are actually engaged in their culture, it would probably not exceed two millions. Thus, then, less than one fifth of the whole population of the United States produced upward of one half, nearly two thirds, of the entire value of the exports of the last year.

Is this foreign market, so incompetent at present, and which, limited as its demands are, operates so unequally upon the productive labor of our country, likely to improve in future? If I am correct in the views which I have presented to the committee, it must become worse and worse. What can improve it? Europe will not abandon her own agriculture to foster ours. We may even anticipate that she will more and more enter into competition with us in the supply of the West India market. That of South America, for articles of subsistence, will probably soon vanish. The value of our exports, for the future, may remain at about what it was last year. But, if we do not create some new market; if we persevere in the existing pursuits of agriculture, the inevitable consequence must be, to augment greatly the quantity of our produce, and to lessen its value in the foreign market. Can there be a doubt on this point? Take the article of cotton, for example, which is almost the only article that now remunerates labor and capital. A certain description of labor is powerfully attracted toward the cotton-growing country. The cultivation will be greatly extended, the aggregate amount annually produced, will be vastly augmented. The price will fall. The more unfavorable soils will then be gradually abandoned. And I have no doubt that, in a few years, it will cease to be profitably produced, anywhere north of the thirty-fourth degree of latitude. But, in the mean time, large numbers of the cotton-growers will suffer the greatest distress. And while this distress is brought upon our own country, foreign industry will be stimulated by the very cause which occasions our distress. For, by surcharging the markets abroad, the price of the raw material being reduced, the manufacturer will be able to supply cotton fabrics cheaper; and the consumption, in his own country, and in foreign nations, other than ours (where the value of the import must be limited to the value of the export, which I have supposed to remain the same), being proportionably extended, there will be consequently, an increased demand for the produce of his industry.

Our agriculture is our greatest interest. It ought ever to be predominant. All others should bend to it. And, in considering what is for its advantage, we should contemplate it in all its varieties, of planting, farming and grazing. Can we do nothing to invigorate it; nothing to correct the errors of the past, and to brighten the still more unpromising prospects which lie before us? We have seen, I think, the causes of the distresses of the country. We have seen, that an exclusive dependence upon the foreign market must lead to still severer distress, to impoverishment, to ruin. We must then change somewhat our course. We must give a new direction to some portion of our industry. We must speedily adopt a genuine American policy. Still cherishing the foreign market, let us create also a home market, to give further scope to the consumption of the produce of American industry. Let us counteract the policy of foreigners, and withdraw the support which we now give to their industry, and stimulate that of our own country. It should be a prominent object with wise legislators, to multi-

ply the vocations and extend the business of society, as far as is can be done, by the protection of our interests at home, against the injurious effects of foreign legislation. · Suppose we were a nation of fishermen, or of skippers, to the exclusion of every other occupation, and the Legislature had the power to introduce the pursuits of agriculture and manufactures, would not our happiness be promoted by an exertion of its authority? All the existing employments of society—the learned professions—commerce—agriculture—are now overflowing. We stand in each other's way. Hence the want of employment. Hence the eager pursuit after public stations, which I have before glanced at. I have been again and again shocked, during this session, by instances of solicitation for places, before the vacancies existed. The pulse of incumbents, who happen to be taken ill, is not marked with more anxiety by the attending physicians, than by those who desire to succeed them, though with very opposite feelings. Our old friend, the faithful sentinel, who has stood so long at our door, and the gallantry of whose patriotism deserves to be noticed, because it was displayed when that virtue was most rare and most wanted, on a memorable occasion in this unfortunate city, became indisposed some weeks ago. The first intelligence which I had of his dangerous illness, was by an application for his unvacated place. I hastened to assure myself of the extent of his danger, and was happy to find that the eagerness of succession outstripped the progress of disease. By creating a new and extensive business, then, we would not only give employment to those who want it, and augment the sum of national wealth, by all that this new business would create, but we should meliorate the condition of those who are now engaged in existing employments. In Europe, particularly Great Britain, their large standing armies, large navies, large even on their peace arrangement, their established church, afford to their population employments, which, in that respect, the happier Constitution of our government does not tolerate but in a very limited degree. The peace establishments of our army and our navy, are extremely small, and I hope ever will be. We have no established church, and I trust never shall have. In proportion as the enterprise of our citizens in public employments is circumscribed, should we excite and invigorate it in private pursuits.

The creation of a home market is not only necessary to procure for our agriculture a just reward for its labors, but it is indispensable to obtain a supply for our necessary wants. If we can not sell, we can not buy. That portion of our population (and we have seen that it is not less than four fifths), which makes comparatively nothing that foreigners will buy, has nothing to make purchases with from foreigners. It is in vain that we are told of the amount of our exports supplied by the planting interest. They may enable the planting interest to supply all its wants; but they bring no ability to the interests not planting; unless, which can not be pretended, the planting interest was an adequate vent for the surplus produce of the labor of all other interests. It is in vain to tantalize us with

the greater cheapness of foreign fabrics. There must be an ability to purchase, if an article be obtained, whatever may be the price, high or low, at which it is sold. And a cheap article is as much beyond the grasp of him who has no means to buy, as a high one. Even if it were true that the American manufacturer would supply consumption at dearer rates, it is better to have his fabrics than the unattainable foreign fabrics; because it is better to be ill supplied than not supplied at all. A coarse coat, which will communicate warmth and cover nakedness, is better than no coat. The superiority of the home market results, first, from its steadiness and comparative certainty at all times; secondly, from the creation of reciprocal interest; thirdly, from its greater security; and, lastly, from an ultimate and not distant augmentation of consumption (and consequently of comfort), from increased quantity and reduced prices. But this home market, highly desirable as it is, can only be created and cherished by the PROTECTION of our own legislation against the inevitable prostration of our industry, which must ensue from the action of FOREIGN policy and legislation. The effect and the value of this domestic care of our own interests will be obvious from a few facts and considerations. Let us suppose that half a million of persons are now employed abroad in fabricating, for our consumption, those articles, of which, by the operation of this bill, a supply is intended to be provided within ourselves. That half a million of persons are, in effect, subsisted by us; but their actual means of subsistence are drawn from foreign agriculture. If we could transport them to this country, and incorporate them in the mass of our own population, there would instantly arise a demand for an amount of provisons equal to that which would be requisite for their subsistence throughout the whole year. That demand, in the article of flour alone, would not be less than the quantity of about nine hundred thousand barrels, besides a proportionate quantity of beef, and pork, and other articles of subsistence. But nine hundred thousand barrels of flour exceeds the entire quantity exported last year, by nearly one hundred and fifty thousand barrels. What activity would not this give, what cheerfulness would it not communicate, to our now dispirited farming interest! But if, instead of these five hundred thousand artizans emigrating from abroad, we give by this bill employment to an equal number of our own citizens, now engaged in unprofitable agriculture, or idle from the want of business, the beneficial effect upon the productions of our farming labor would be nearly doubled. The quantity would be diminished by a subtraction of the produce from the labor of all those who should be diverted from its pursuits to manufacturing industry, and the value of the residue would be enhanced, both by that diminution and the creation of the home market, to the extent supposed. And the honorable gentleman from Virginia may repress any apprehensions which he entertains, that the plow will be abandoned, and our fields remain unsown. For, under all the modifications of social industry, if you will secure to it a just reward, the greater attractions of agriculture will give to it

that proud superiority which it has always maintained. If we suppose no actual abandonment of farming, but, what is most likely, a gradual and imperceptible employment of population in the business of manufacturing, instead of being compelled to resort to agriculture, the salutary effect would be nearly the same. Is any part of our common country likely to be injured by a transfer of the theater of fabrication, for our own consumption, from Europe to America? All that those parts, if any there be, which will not, and can not engage in manufactures, should require, is, that their consumption should be well supplied; and if the objects of that consumption are produced in other parts of the Union, that can manufacture, far from having on that account any just cause of complaint, their patriotism will and ought to inculcate a cheerful acquiescence in what essentially contributes, and is indispensably necessary, to the prosperity of the common family.

The great desideratum in political economy is the same as in private pursuits; that is, what is the best application of the aggregate industry of a nation, that can be made honestly to produce the largest sum of national wealth? Labor is the source of all wealth; but it is not natural labor only. And the fundamental error of the gentleman from Virginia, and of the school to which he belongs, in deducing, from our sparse population, our unfitness for the introduction of the arts, consists in their not sufficiently weighing the importance of the power of machinery. In former times, when but little comparative use was made of machinery, manual labor, and the price of wages, were circumstances of the greatest consideration. But it is far otherwise in these latter times. Such are the improvements and the perfection of machinery, that, in analyzing the compound value of many fabrics, the element of natural labor is so inconsiderable as almost to escape detection. This truth is demonstrated by many facts. Formerly, Asia, in consequence of the density of the population, and the consequent lowness of wages, laid Europe under tribute for many of her fabrics. Now Europe reacts upon Asia, and Great Britain, in particular, throws back upon her countless millions of people the rich treasures produced by artificial labor, to a vast amount, infinitely cheaper than they can be manufactured by the natural exertions of that portion of the globe. But Britain is herself the most striking illustration of the immense power of machinery. Upon what other principle can you account for the enormous wealth which she has accumulated, and which she annually produces? A statistical writer of that country, several years ago, estimated the total amount of the artificial or machine labor of the nation, to be equal to that of one hundred millions of able-bodied laborers. Subsequent estimates of her artificial labor, at the present day, carry it to the enormous height of two hundred millions. But the population of the three kingdoms is twenty-one millions five hundred thousand. Supposing, that to furnish able-bodied labor to the amount of four millions, the natural labor will be but two per centum of the artificial labor. In the production of wealth she operates,

therefore, by a power (including the whole population) of two hundred and twenty-one millions five hundred thousand; or, in other words, by a power eleven times greater than the total of her natural power. If we suppose the machine-labor of the United States to be equal to that of ten millions of able-bodied men, the United States will operate, in the creation of wealth, by a power (including all their population) of twenty millions. In the creation of wealth, therefore, the power of Great Britain, compared to that of the United States, is as eleven to one. That these views are not imaginary, will be, I think, evinced by contrasting the wealth, the revenue, the power, of the two countries. Upon what other hypothesis can we explain those almost incredible exertions which Britain made during the late wars of Europe? Look at her immense subsidies! Behold her standing, unaided and alone, and breasting the storm of Napoleon's colossal power, when all continental Europe owned and yielded to its irresistible sway; and finally, contemplate her vigorous prosecution of the war, with and without allies, to its splendid termination on the ever-memorable field of Waterloo! The British works which the gentleman from Virginia has quoted, portray a state of the most wonderful prosperity, in regard to wealth and resources, that ever was before contemplated. Let us look a little into the semi-official pamphlet, written with great force, clearness, and ability, and the valuable work of Lowe, to both of which that gentleman has referred. The revenue of the United Kingdom amounted, during the latter years of the war, to seventy millions of pounds sterling; and one year it rose to the astonishing height of ninety millions sterling, equal to four hundred millions of dollars. This was actual revenue, made up of real contributions, from the purses of the people. After the close of the war, ministers slowly and reluctantly reduced the military and naval establishments, and accommodated them to a state of peace. The pride of power, everywhere the same, always unwillingly surrenders any of those circumstances, which display its pomp and exhibit its greatness. Cotemporaneous with this reduction, Britain was enabled to lighten some of the heaviest burdens of taxation, and particularly that most onerous of all, the income tax. In this lowered state, the revenue of peace, gradually rising from the momentary depression incident to a transition from war, attained, in 1822, the vast amount of fifty-five millions sterling, upward of two hundred and forty millions of dollars, and more than eleven times that of the United States for the same year; thus indicating the difference, which I have suggested, in the respective productive powers of the two countries. The excise alone (collected under twenty-five different heads) amounted to twenty-eight millions, more than one half of the total revenue of the kingdom. This great revenue allows Great Britain to constitute an efficient sinking fund of five millions sterling, being an excess of actual income beyond expenditure, and amounting to more than the entire revenue of the United States.

If we look at the commerce of England, we shall perceive that its pros-

perous condition no less denotes the immensity of her riches. The average of three years' exports, ending in 1789, was between thirteen and fourteen millions. The average for the same term, ending in 1822, was forty millions sterling. The average of the imports for three years, ending in 1789, was seventeen millions. The average for the same term, ending in 1822, was thirty-six millions, showing a favorable balance of four millions. Thus, in a period not longer than that which has elapsed since the establishment of our Constitution, have the exports of that kingdom been tripled; and this has mainly been the effect of the power of machinery. The total amount of the commerce of Great Britain is greater since the peace, by one fourth, than it was during the war. The average of her tonnage, during the most flourishing period of the war, was two millions four hundred thousand tons. Its average, during the three years, 1819, 1820, and 1821, was two millions six hundred thousand—exhibiting an increase of two hundred thousand tons. If we glance at some of the more prominent articles of her manufactures, we shall be assisted in comprehending the true nature of the sources of her riches. The amount of cotton fabrics exported, in the most prosperous year of the war, was eighteen millions sterling. In the year 1820, it was sixteen millions six hundred thousand; in 1821, twenty millions five hundred thousand; in 1822, twenty-one millions six hundred and thirty-nine thousand pounds sterling—presenting the astonishing increase, in two years, of upward of five millions. The total amount of imports in Great Britain, from all foreign ports, of the article of cotton wool, is five millions sterling. After supplying most abundantly the consumption of cotton fabrics within the country (and a people better fed, and clad, and housed, are not to be found under the sun than the British nation) by means of her industry, she gives to this cotton wool a new value, which enables her to sell to foreign nations to the amount of twenty-one millions six hundred and thirty-nine thousand pounds, making a clear profit of upward of sixteen millions five hundred thousand pounds sterling! In 1821, the value of the export of woolen manufactures was four millions three hundred thousand pounds. In 1822, it was five millions five hundred thousand pounds. The success of her restrictive policy is strikingly illustrated in the article of silk. In the manufacture of that article she labors under great disadvantages, besides that of not producing the raw material. She has subdued them all, and the increase of the manufacture has been most rapid. Although she is still unable to maintain, in foreign countries, a successful competition with the silks of France, of India, and of Italy, and therefore exports but little, she gives to the two millions of the raw material which she imports, in various forms, a value of ten millions, which chiefly enter into British consumption. Let us suppose that she was dependent upon foreign nations for these ten millions, what an injurious effect would it not have upon her commercial relations with them! The average of the exports of British manufactures, during the peace, exceeds the average of the most productive years of the war.

The amount of her wealth, annually produced, is three hundred and fifty millions sterling; bearing a large proportion to all of her pre-existing wealth. The agricultural portion of it is said, by the gentleman from Virginia, to be greater than that created by any other branch of her industry. But that flows mainly from a policy similar to that proposed by this bill. One third only of her population is engaged in agriculture; the other two thirds furnishing a market for the produce of that third. Withdraw this market, and what becomes of her agriculture? The power and the wealth of Great Britain can not be more strikingly illustrated than by a comparison of her population and revenue with those of other countries and with our own. [Here Mr. Clay exhibited the following table, made out from authentic materials.]

	Population.	Taxes & public burdens.	Taxation per capita.
Russia in Europe,	37,000,000	£17,000,000	£0 9 9
France, including Corsica,	30,700,000	37,000,000	1 4 0
Great Britain, exclusive of Ireland (the taxes computed according to the value of money on the European continent).	14,500,000	40,000,000	2 15 0
Great Britain and Ireland collectively,	21,500 000	44,000,000	2 0 0
England alone,	11,600,000	36,000,000	3 2 0
Spain,	11,000,000	6,000,000	0 11 0
Ireland,	7,000,000	4,000,000	0 11 0
The United States of America,	10,000,000	4,500,000	0 9 0

From this exhibit we must remark, that the wealth of Great Britain, and consequently her power, is greater than that of any of the other nations with which it is compared. The amount of the contributions which she draws from the pockets of her subjects is not referred to for imitation, but as indicative of their wealth. The burden of taxation is always relative to the ability of the subjects of it. A poor nation can pay but little. And the heavier taxes of British subjects, for example, in consequence of their greater wealth, may be more easily borne than the much lighter taxes of Spanish subjects, in consequence of their extreme poverty. The object of wise governments should be, by sound legislation, so to protect the industry of their own citizens against the policy of foreign powers, as to give to it the most expansive force in the production of wealth. Great Britain has ever acted, and still acts, on this policy. She has pushed her protection of British interest further than any other nation has fostered its industry. The result is, greater wealth among her subjects, and consequently greater ability to pay their public burdens. If their taxation is estimated by their natural labor alone, nominally it is greater than the taxation of the subjects of any other power. But, if on a scale of their national and artificial labor, compounded, it is less than the taxation of any other people. Estimating it on that scale, and assuming the aggregate of the natural and artificial labor of the United Kingdom to be what I have already

stated, two hundred and twenty-one millions five hundred thousand, the actual taxes paid by a British subject are only about three and seven-pence sterling. Estimating our own taxes on a similar scale—that is, supposing both descriptions of labor to be equal to that of twenty millions of able-bodied persons—the amount of tax paid by each soul in the United States is four shillings and six-pence sterling.

The committee will observe, from that table, that the measure of the wealth of a nation is indicated by the measure of its protection of its industry; and that the measure of the poverty of a nation is marked by that of the degree in which it neglects and abandons the care of its own industry, leaving it exposed to the action of foreign powers. Great Britain protects most her industry, and the wealth of Great Britain is consequently the greatest. France is next in the degree of protection, and France is next in the order of wealth. Spain most neglects the duty of protecting the industry of her subjects, and Spain is one of the poorest of European nations. Unfortunate Ireland, disinherited, or rendered in her industry subservient to England, is exactly in the same state of poverty with Spain, measured by the rule of taxation. And the United States are still poorer than either.

The views of British prosperity, which I have endeavored to present, show that her protecting policy is adapted alike to a state of war and of peace. Self-poised, resting upon her own internal resources, possessing a home market, carefully cherished and guarded, she is ever prepared for any emergency. We have seen her coming out of a war of incalculable exertion, and of great duration, with her power unbroken, her means undiminished. We have seen that almost every revolving year of peace has brought along with it an increase of her manufactures, of her commerce, and, consequently, of her navigation. We have seen that, constructing her prosperity upon the solid foundation of her own protecting policy, it is unaffected by the vicissitudes of other States. What is our own condition? Depending upon the state of foreign powers, confiding exclusively in a foreign, to the culpable neglect of a domestic policy, our interests are affected by all their movements. Their wars, their misfortunes, are the only source of our prosperity. In their peace and our peace we behold our condition the reverse of that of Great Britain, and all our interests stationary or declining. Peace brings to us none of the blessings of peace. Our system is anomalous; alike unfitted to general tranquillity, and to a state of war or peace on the part of our own country. It can succeed only in the rare occurrence of a general state of war throughout Europe. I am no eulogist of England. I am far from recommending her systems of taxation. I have adverted to them only as manifesting her extraordinary ability. The political and foreign interests of that nation may have been, as I believe them to have been, often badly managed. Had she abstained from the wars into which she has been plunged by her ambition, or the mistaken policy of her ministers, the prosperity of England would, unquestionably, have been much greater. But it may happen that the public

liberty and the foreign relations of a nation have been badly provided for, and yet that its political economy has been wisely managed. The alacrity or sullenness with which a people pay taxes depends upon their wealth or poverty. If the system of their rule: s leads to their impoverishment, they can contribute but little to the necessities of the State; if to their wealth, they cheerfully and promptly pay the burdens imposed on them. Enormous as British taxation appears to be, in comparison with that of other nations, but really lighter, as it in fact is, when we consider its great wealth and its powers of production, that vast amount is collected with the most astonishing regularity.

Having called the attention of the committee to the present adverse state of our country, and endeavored to point out the causes which have led to it; having shown that similar causes, wherever they exist in other countries, lead to the same adversity in their condition; and having shown that, wherever we find opposite causes prevailing, a high and animating state of national prosperity exists, the committee will agree with me in thinking that it is the solemn duty of government to apply a remedy to the evils which afflict our country, if it can apply one. Is there no remedy within the reach of the government? Are we doomed to behold our industry languish and decay yet more and more? But there is a remedy, and that remedy consists in modifying our foreign policy, and in adopting a genuine AMERICAN SYSTEM. We must naturalize the arts in our country; and we must naturalize them by the only means which the wisdom of nations has yet discovered to be effectual; by adequate protection against the otherwise overwhelming influence of foreigners. This is only to be accomplished by the establishment of a tariff, to the consideration of which I am now brought.

And what is this tariff? It seems to have been regarded as a sort of monster, huge and deformed—a wild beast, endowed with tremendous powers of destruction, about to be let loose among our people, if not to devour them, at least to consume their substance. But let us calm our passions, and deliberately survey this alarming, this terrific being. The sole object of the tariff is to tax the produce of foreign industry, with the view of promoting American industry. The tax is exclusively leveled at foreign industry. That is the avowed and the direct purpose of the tariff. If it subjects any part of American industry to burdens, that is an effect not intended, but is altogether incidental, and perfectly voluntary.

It has been treated as an imposition of burdens upon one part of the community by design, for the benefit of another; as if, in fact, money were taken from the pockets of one portion of the people and put into the pockets of another. But is that a fair representation of it? No man pays the duty assessed on the foreign article by compulsion, but voluntarily; and this voluntary duty, if paid, goes into the common exchequer, for the common benefit of all. Consumption has four objects of choice. First, it may abstain from the use of the foreign article, and thus avoid the pay-

ment of the tax. Second, it may employ the rival American fabric. Third, it may engage in the business of manufacturing, which this bill is designed to foster. Fourth, or it may supply itself from the household manufactures. But it is said by the honorable gentleman from Virginia, that the South, owing to the character of a certain portion of its population, can not engage in the business of manufacturing. Now I do not agree in that opinion to the extent in which it is asserted. The circumstance alluded to may disqualify the South from engaging in every branch of manufacture, as largely as other quarters of the Union, but to some branches of it, that part of our population is well adapted. It indisputably affords great facility in the household or domestic line. But if the gentleman's premises were true, could his conclusion be admitted? According to him, a certain part of our population, happily much the smallest, is peculiarly situated. The circumstance of its degradation unfits it for the manufacturing arts. The well-being of the other, and the larger part of our population, requires the introduction of those arts. What is to be done in this conflict? The gentleman would have us abstain from adopting a policy called for by the interest of the greater and freer part of our population. But is that reasonable? Can it be expected that the interests of the greater part should be made to bend to the condition of the servile part of our population? That, in effect, would be to make us the slaves of slaves. I went, with great pleasure, along with my southern friends, and I am ready again to unite with them in protesting against the exercise of any legislative power, on the part of Congress, over that delicate subject, because it was my solemn conviction, that Congress was interdicted, or at least not authorized, by the Constitution, to exercise any such legislative power. And I am sure that the patriotism of the South may be exclusively relied upon to reject a policy which should be dictated by considerations altogether connected with that degraded class, to the prejudice of the residue of our population. But does not a perseverance in the foreign policy, as it now exists in fact, make all parts of the Union, not planting, tributary to the planting parts? What is the argument? It is that we must continue freely to receive the produce of foreign industry, without regard to the protection of American industry, that a market may be retained for the sale abroad of the produce of the planting portion of the country; and that, if we lessen in all parts of America—those which are not planting as well as the planting sections—the consumption of foreign manufactures, we diminish to that extent the foreign market for the planting produce. The existing state of things, indeed, presents a sort of tacit compact between the cotton-grower and the British manufacturer, the stipulations of which are, on the part of the cotton-grower, that the whole of the United States, the other portions as well as the cotton-growing, shall remain open and unrestricted in the consumption of British manufactures; and, on the part of the British manufacturer, that in consideration thereof, he will continue to purchase the

cotton of the South. Thus, then, we perceive that the proposed measure instead of sacrificing the South to the other parts of the Union, seeks only to preserve them from being absolutely sacrificed under the operation of the tacit compact which I have described. Supposing the South to be actually incompetent, or disinclined, to embark at all in the business of manufacturing, is not its interest, nevertheless, likely to be promoted by creating a new and an American source of supply for its consumption? Now foreign powers, and Great Britain principally, have the monopoly of the supply of southern consumption. If this bill should pass, an American competitor, in the supply of the South, would be raised up, and ultimately, I can not doubt, that it will be supplied more cheaply and better. I have before had occasion to state, and will now again mention, the beneficial effects of American competition with Europe, in furnishing a supply of the article of cotton bagging. After the late war, the influx of the Scottish manufacture prostrated the American establishments. The consequence was, that the Scotch possessed the monopoly of the supply; and the price of it rose, and attained, the year before the last a height which amounted to more than an equivalent for ten years' protection to the American manufacturer. This circumstance tempted American industry again to engage in the business, and several valuable manufactories have been established in Kentucky. They have reduced the price of the fabric very considerably; but, without the protection of government, they may again be prostrated, and then, the Scottish manufacturer, engrossing the supply of our consumption, the price will probably again rise. It has been tauntingly asked, if Kentucky can not maintain herself in a competition with the two Scottish towns of Inverness and Dundee? But is that a fair statement of the case? Those two towns are cherished and sustained by the whole protecting policy of the British empire, while Kentucky can not, and the general government will not, extend a like protection to the few Kentucky villages in which the article is made.

If the cotton-growing consumption could be constitutionally exempted from the operation of this bill, it might be fair to exempt it, upon the condition that foreign manufactures, the proceeds of the sale of cotton abroad, should not enter at all into the consumption of the other parts of the United States. But such an arrangement as that, if it could be made, would probably be objected to by the cotton-growing country itself.

Second. The second objection to the proposed bill, is, that it will diminish the amount of our exports. It can have no effect upon our exports, except those which are sent to Europe. Except tobacco and rice, we send there nothing but the raw materials. The argument is, that Europe will not buy of us, if we do not buy of her. The first objection to it is, that it calls upon us to look to the question, and to take care of European ability in legislating for American interests. Now if, in legislating for their interests, they would consider and provide for our ability, the principle of reciprocity would enjoin us so to regulate our intercourse with them, as to

leave their ability unimpaired. But I have shown that, in the adoption of their own policy, their inquiry is strictly limited to a consideration of their peculiar interests, without any regard to that of ours. The next remark I would make is, that the bill only operates upon certain articles of European industry, which it is supposed our interest requires us to manufacture within ourselves; and although its effect will be to diminish the amount of our imports of those articles, it leaves them free to supply us with any other produce of their industry. And since the circle of human comforts, refinements, and luxuries, is of great extent, Europe will still find herself able to purchase from us what she has hitherto done, and to discharge the debt in some of those objects. If there be any diminution in our exports to Europe, it will probably be in the article of cotton to Great Britain. I have stated that Britain buys cotton wool to the amount of about five millions sterling, and sells to foreign States to the amount of upward of twenty-one millions and a half. Of this sum, we take a little upward of a million and a half. The residue, of about twenty millions, she must sell to other foreign powers than to the United States. Now their market will continue open to her, as much after the passage of this bill, as before. She will therefore require from us the raw material to supply their consumption. But, it is said, she may refuse to purchase from us, and seek a supply elsewhere. There can be but little doubt that she now resorts to us, because we can supply her more cheaply and better than any other country. And it would be unreasonable to suppose that she would cease, from any pique toward us, to pursue her own interest. Suppose she was to decline purchasing from us. The consequence would be, that she would lose the market for the twenty millions sterling, which she now sells other foreign powers, or enter it under a disadvantageous competition with us, or with other nations, who should obtain their supplies of the raw material from us. If there should be any diminution, therefore, in the exportation of cotton, it would only be in the proportion of about one and a half of twenty; that is, a little upward of five per centum; the loss of a market for which, abroad, would be fully compensated by the market for the article created at home. Lastly, I would observe, that the new application of our industry, producing new objects of exportation, and they possessing much greater value than in the raw state, we should be, in the end, amply indemnified by their exportation. Already the item in our foreign exports of manufactures is considerable; and we know that our cotton fabrics have been recently exported in a large amount to South America, where they maintain a successful competition with those of any other country.

Third. The third objection to the tariff is, that it will diminish our navigation. This great interest deserves every encouragement, consistent with the paramount interest of agriculture. In the order of nature it is secondary to both agriculture and manufactures. Its business is the transportation of the productions of those two superior branches of industry. It can not therefore be expected, that they shall be molded or sacrificed to

suit its purposes; but on the contrary, navigation must accommodate itself to the actual state of agriculture and manufactures. If, as I believe, we have nearly reached the maximum in value of our exports of raw produce to Europe, the effect hereafter will be, as it respects that branch of our trade, if we persevere in the foreign system, to retain our navigation at the point which it has now reached. By reducing, indeed, as will probably take place, the price of our raw materials, a further quantity of them could be exported, and, of course, additional employment might, in that way, be given to our tonnage; but that would be at the expense of the agricultural interest. If I am right in supposing that no effect will be produced by this measure upon any other branch of our export trade, but that to Europe; that, with regard to that, there will be no sensible diminution of our exports; and that the new direction given to a portion of our industry will produce other objects of exportation; the probability is, that our foreign tonnage will be even increased under the operation of this bill. But, if I am mistaken in these views, and it should experience any reduction, the increase in our coasting tonnage, resulting from the greater activity of domestic exchanges, will more than compensate the injury. Although our navigation partakes in the general distress of the country, it is less depressed than any other of our great interests. The foreign tonnage has been gradually, though slowly, increasing, since 1818. And our coasting tonnage, since 1816, has increased upward of one hundred thousand tons.

Fourth. It is next contended that the effect of the measure will be to diminish our foreign commerce. The objection assumes, what I have endeavored to controvert, that there will be a reduction in the value of our exports. Commerce is an exchange of commodities. Whatever will tend to augment the wealth of a nation must increase its capacity to make these exchanges. By new productions, or creating new values in the fabricated forms which shall be given to old objects of our industry, we shall give to commerce a fresh spring, a new aliment. The foreign commerce of the country, from causes, some of which I have endeavored to point out, has been extended as far as it can be. And I think there can be but little doubt that the balance of trade is, and for some time past has been, against us. I was surprised to hear the learned gentleman from Massachusetts (Mr. Webster) rejecting, as a detected and exploded fallacy, the idea of a balance of trade. I have not time nor inclination now to discuss that topic. But I will observe, that all nations act upon the supposition of the reality of its existence, and seek to avoid a trade, the balance of which is unfavorable, and to foster that which presents a favorable balance. However the account be made up, whatever may be the items of a trade, commodities, fishing industry, marine labor, the carrying trade, all of which I admit should be comprehended, there can be no doubt, I think, that the totality of the exchanges of all descriptons, made by one nation with another, or against the totality of the exchanges of all other nations together, may be such as to present the state of an unfavorable balance with the one or with all. It is

true that, in the long run, the measures of these exchanges, that is, the totality in value of what is given and of what is received, must be equal to each other. But great distress may be felt long before the counterpoise can be effected. In the mean time, there will be an export of the precious metals to the deep injury of internal trade, an unfavorable state of exchange, an export of public securities, a resort to credit, debt, mortgages. Most of, if not all, these circumstances, are believed now to be indicated by our country, in its foreign commercial relations. What have we received, for example, for the public stocks sent to England? Goods. But those stocks are our bond, which must be paid. Although the solidity of the credit of the English public securities is not surpassed by that of our own, strong as it justly is, when have we seen English stocks sold in our market, and regularly quoted in the prices current, as American stocks are in England? An unfavorable balance with one nation, may be made up by a favorable balance with other nations; but the fact of the existence of that unfavorable balance is strong presumptive evidence against the trade. Commerce will regulate itself! Yes, and the extravagance of a spendthrift heir, who squanders the rich patrimony which has descended to him, will regulate itself ultimately. But it will be a regulation which will exhibit him in the end safely confined within the walls of a jail. Commerce will regulate itself! But is it not the duty of wise governments to watch its course, and, beforehand, to provide against even distant evils, by prudent legislation stimulating the industry of their own people, and checking the policy of foreign powers as it operates on them? The supply, then, of the subjects of foreign commerce, no less than the supply of consumption at home, requires of us to give a portion of our labor such a direction as will enable us to produce them. That is the object of the measure under consideration, and I can not doubt that, if adopted, it will accomplish its object.

Fifth. The fifth objection to the tariff is, that it will diminish the public revenue, disable us from paying the public debt, and finally compel a resort to a system of excise and internal taxation. This objection is founded upon the supposition that the reduction in the importation of the subjects, on which the increased duties are to operate, will be such as to produce the alleged effect. All this is matter of mere conjecture, and can only be determined by experiment. I have very little doubt, with my colleague (Mr. Trimble), that the revenue will be increased considerably, for some years at least, under the operation of this bill. The diminution in the quantity imported will be compensated by the augmentation of the duty. In reference to the article of molasses, for example, if the import of it should be reduced fifty per centum, the amount of duty collected would be the same as it now is. But it will not, in all probability, be reduced by any thing like that proportion. And then there are some other articles which will continue to be introduced in as large quantities as ever, notwithstanding the increase of duty, the object in reference to them being reve-

nue, and not the encouragement of domestic manufactures. Another cause will render the revenue of this year, in particular, much more productive than it otherwise would have been; and that is, that large quantities of goods have been introduced into the country, in anticipation of the adoption of this measure. The eagle does not dart a keener gaze upon his intended prey, than that with which the British manufacturer and merchant watches the foreign market, and the course even of our elections as well as our legislation. The passage of this bill has been expected; and all our information is that the importations, during this spring have been immense. But, further, the measure of our importations is that of our exportations. If I am right in supposing that, in future, the amount of these, in the old or new forms of the produce of our labor, will not be diminished, but probably increased, then the amount of our importations, and consequently of our revenue, will not be reduced, but may be extended. If these ideas be correct, there will be no inability on the part of government to extinguish the public debt. The payment of that debt, and the consequent liberation of the public resources from the charge of it, is extremely desirable. No one is more anxious than I am to see that important object accomplished. But I entirely concur with the gentleman from Virginia (Mr. Barbour) in thinking that no material sacrifice of any of the great interests of the nation ought to be made to effectuate it. Such is the elastic and accumulating nature of our public resources, from the silent augmentation of our population, that if, in any given state of the public revenue, we throw ourselves upon a couch and go to sleep, we may, after a short time, awake with an ability abundantly increased to redeem any reasonable amount of public debt with which we may happen to be burdened. The public debt of the United States, though nominally larger now than it was in the year 1791, bears really no sort of discouraging comparison to its amount at that time, whatever standard we may choose to adopt to institute the comparison. It was in 1791 about seventy-five millions of dollars. It is now about ninety. Then we had a population of about four millions. Now we have upward of ten millions. Then we had a revenue short of five millions of dollars. Now our revenue exceeds twenty. If we select population as the standard, our present population is one hundred and fifty per centum greater than it was in 1791; if revenue that is four times more now than at the former period; while the publi debt has increased only in a ratio of twenty per centum. A public debt of three hundred millions of dollars, at the present day, considering our actual ability, compounded both of the increase of population and of revenue, would not be more onerous now than the debt of seventy-five millions of dollars was, at the epoch of 1791, in reference to the same circumstances. If I am right in supposing that, under the operation of the proposed measure, there will not be any diminution, but a probable increase of the public revenue, there will be no difficulty in defraying the current expenses of government, and paying the principal as well as the interest of the public debt, as it becomes

due. Let us, for a moment, however, indulge the improbable supposition of the opponents of the tariff, that there will be a reduction of the revenue to the extent of the most extravagant calculation which has been made, that is to say, to the extent of five millions. That sum deducted, we shall still have remaining a revenue of about fifteen millions. The treasury estimates of the current services of the years 1822, 1823, and 1824, exceed, each year, nine millions. The lapse of revolutionary pensions, and judicious retrenchments which might be made, without detriment to any of the essential establishments of the country, would probably reduce them below nine millions. Let us assume that sum, to which add about five millions and a half for the interest of the public debt, and the wants of government would require a revenue of fourteen and a half millions, leaving a surplus of revenue of half a million beyond the public expenditure. Thus, by a postponement of the payment of the principal of the public debt, in which the public creditors would gladly acquiesce, and confiding, for the means of redeeming it, in the necessary increase of our revenue from the natural augmentation of our population and consumption, we may safely adopt the proposed measure, even if it should be attended (which is confidently denied) with the supposed diminution of revenue. We shall not, then, have occasion to vary the existing system of taxation; we shall be under no necessity to resort either to direct taxes or to an excise. But, suppose the alternative were really forced upon us of continuing the foreign system, with its inevitable impoverishment of the country, but with the advantage of the present mode of collecting the taxes, or of adopting the American system, with its increase of the national wealth, but with the disadvantage of an excise, could any one hesitate between them? Customs and an excise agree in the essential particulars, that they are both taxes upon consumption, and both are voluntary. They differ only in the mode of collection. The office for the collection of one is located on the frontier, and that for the other within the interior. I believe it was Mr. Jefferson, who in reply to the boast of a citizen of New York of the amount of the public revenue paid by that city, asked who would pay it, if the collector's office were removed to Paulus Hook, on the New Jersey shore? National wealth is the source of all taxation. And, my word for it, the people are too intelligent to be deceived by mere names, and not to give a decided preference to that system which is based upon their wealth and prosperity, rather than to that which is founded upon their impoverishment and ruin.

Sixth. But, according to the opponents of the domestic policy, the proposed system will force capital and labor into new and reluctant employments; we are not prepared, in consequence of the high price of wages, for the successful establishment of manufactures, and we must fail in the experiment. We have seen that the existing occupations of our society, those of agriculture, commerce, navigation, and the learned professions, are overflowing with competitors, and that the want of employment is severely

felt. Now what does this bill propose? To open a new and extensive field of business, in which all that choose may enter. There is no compulsion upon any one to engage in it. An option only is given to industry, to continue in the present unprofitable pursuits, or to embark in a new and promising one. The effect will be, to lessen the competition in the old branches of business, and to multiply our resources for increasing our comforts, and augmenting the national wealth. The alleged fact of the high price of wages is not admitted. The truth is, that no class of society suffers more, in the present stagnation of business, than the laboring class. That is a necessary effect of the depression of agriculture, the principal business of the community. The wages of able-bodied men vary from five to eight dollars per month, and such has been the want of employment, in some parts of the Union, that instances have not been unfrequent, of men working merely for the means of present subsistence. If the wages for labor here and in England are compared, they will be found not to be essentially different. I agree with the honorable gentleman from Virginia that high wages are a proof of national prosperity; we differ only in the means by which that desirable end shall be attained. But, if the fact were true, that the wages of labor are high, I deny the correctness of the argument founded upon it. The argument assumes, that natural labor is the principal element in the business of manufacture. That was the ancient theory. But the valuable inventions and vast improvements in machinery, which have been made within a few past years, have produced a new era in the arts. The effect of this change, in the powers of production, may be estimated, from what I have already stated in relation to England, and to the triumphs of European artificial labor over the natural labor of Asia. In considering the fitness of a nation for the establishment of manufactures, we must no longer limit our views to the state of its population, and the price of wages. All circumstances must be regarded, of which that is, perhaps, the least important. Capital, ingenuity in the construction, and adroitness in the use of machinery, and the possession of the raw materials, are those which deserve the greatest consideration. All these circumstances (except that of capital, of which there is no deficiency) exist in our country in an eminent degree, and more than counterbalance the disadvantage, if it really existed, of the lower wages of labor in Great Britain. The dependence upon foreign nations for the raw material of any great manufacture, has been considered as a discouraging fact. The state of our population is peculiarly favorable to the most extensive introduction of machinery. We have no prejudices to combat, no persons to drive out of employment. The pamphlet, to which we have had occasion so often to refer, in enumerating the causes which have brought in England their manufactures to such a state of perfection, and which now enable them, in the opinion of the writer, to defy all competition, does not specify, as one of them, low wages. It assigns three: first, capital; secondly, extent and costliness of machinery; and, thirdly, steady

and persevering industry. Notwithstanding the concurrence of so many favorable causes, in our country, for the introduction of the arts, we are earnestly dissuaded from making the experiment, and our ultimate failure is confidently predicted. Why should we fail? Nations, like men, fail in nothing which they boldly attempt, when sustained by virtuous purpose and firm resolution. I am not willing to admit this depreciation of American skill and enterprise. I am not willing to strike before an effort is made. All our past history exhorts us to proceed, and inspires us with animating hopes of success. Past predictions of our incapacity have failed, and present predictions will not be realized. At the commencement of this government, we were told that the attempt would be idle to construct a marine adequate to the commerce of the country, or even to the business of its coasting trade. The founders of our government did not listen to these discouraging counsels; and, behold the fruits of their just comprehension of our resources! Our restrictive policy was denounced, and it was foretold that it would utterly disappoint all our expectations. But our restrictive policy has been eminently successful; and the share which our navigation now enjoys in the trade with France, and with the British West India Islands, attests its victory. What were not the disheartening predictions of the opponents of the late war? Defeat, discomfort, and disgrace, were to be the certain, but not the worst effect of it. Here, again, did prophecy prove false; and the energies of our country, and the valor and the patriotism of our people, carried us gloriously through the war. We are now, and ever will be, essentially an agricultural people. Without a material change in the fixed habits of the country, the friends of this measure desire to draw to it, as a powerful auxiliary to its industry, the manufacturing arts. The difference between a nation with and without the arts, may be conceived by the difference between a keel-boat and a steamboat, combating the rapid torrent of the Mississippi. How slow does the former ascend, hugging the sinuosities of the shore, pushed on by her hardy and exposed crew, now throwing themselves in vigorous concert on their oars, and then seizing the pendent boughs of overhanging trees: she seems hardly to move; and her scanty cargo is scarcely worth the transportation! With what ease is she not passed by the steamboat, laden with the riches of all quarters of the world, with a crew of gay, cheerful, and protected passengers, now dashing into the midst of the current, or gliding through the eddies near the shore! Nature herself seems to survey, with astonishment, the passing wonder, and, in silent submission, reluctantly to own the magnificent triumphs, in her own vast dominion, of Fulton's immortal genius.

Seventh. But it is said that, wherever there is a concurrence of favorable circumstances, manufactures will arise of themselves, without protection; and that we should not disturb the natural progress of industry, but leave things to themselves. If all nations would modify their policy on this axiom, perhaps it would be better for the common good of the whole. Even then, in consequence of natural advantages and a greater

advance in civilization and in the arts, some nations would enjoy a state of much higher prosperity than others. But there is no universal legislation. The globe is divided into different communities, each seeking to appropriate to itself all the advantages it can, without reference to the prosperity of others. Whether this is right or not, it has always been, and ever will be the case. Perhaps the care of the interests of one people is sufficient for all the wisdom of one legislature; and that it is among nations as among individuals, that the happiness of the whole is best secured by each attending to its own peculiar interests. The proposition to be maintained by our adversaries is, that manufactures, without protection, will in due time spring up in our country, and sustain themselves, in a competition with foreign fabrics, however advanced the arts, and whatever the degree of protection may be in foreign countries. Now I contend, that this proposition is refuted by all experience, ancient and modern, and in every country. If I am asked, why unprotected industry should not succeed in a struggle with protected industry, I answer, the FACT has ever been so, and that is sufficient; I reply, that UNIFORM EXPERIENCE evinces that it can not succeed in such an unequal contest, and that is sufficient. If we speculate on the causes of this universal truth, we may differ about them. Still the indisputable fact remains. And we should be as unwise in not availing ourselves of the guide which it furnishes, as a man would be, who should refuse to bask in the rays of the sun, because he could not agree with Judge Woodward as to the nature of the substance of that planet, to which we are indebted for heat and light. If I were to attempt to particularize the causes which prevent the success of the manufacturing arts, without protection, I should say that they are, first, the obduracy of fixed habits. No nation, no individual, will easily change an established course of business, even if it be unprofitable; and least of all is an agricultural people prone to innovation. With what reluctance do they adopt improvements in the instruments of husbandry, or in modes of cultivation! If the farmer makes a good crop, and sells it badly; or makes a short crop; buoyed up by hope he perseveres, and trusts that a favorable change of the market, or of the seasons, will enable him, in the succeeding year, to repair the misfortunes of the past. Secondly, the uncertainty, fluctuation, and unsteadiness, of the home market, when liable to an unrestricted influx of fabrics from all foreign nations; and, thirdly, the superior advance of skill, and amount of capital, which foreign nations have obtained, by the protection of their own industry. From the latter or from other causes, the unprotected manufactures of a country are exposed to the danger of being crushed in their infancy, either by the design or from the necessities of foreign manufacturers. Gentlemen are incredulous as to the attempts of foreign manufacturers to accomplish the destruction of ours. Why should they not make such attempts? If the Scottish manufacturer, by surcharging our market, in one year, with the article of cotton bagging, for example, should so reduce the price as to discourage and put

down the home manufacture, he would secure to himself the monopoly of the supply. And now, having the exclusive possession of the market, perhaps for a long term of years, he might be more than indemnified for his first loss, in the subsequent rise in the price of the article. What have we not seen under our own eyes? The competition for the transportation of the mail, between this place and Baltimore, so excited, that to obtain it an individual offered, at great loss, to carry it a whole year for one dollar! His calculation no doubt was, that by driving his competitor off the road, and securing to himself the carriage of the mail, he would be afterward able to repair his original loss by new contracts with the department. But the necessities of foreign manufacturers, without imputing to them any sinister design, may oblige them to throw into our markets the fabrics which have accumulated on their hands, in consequence of obstruction in the ordinary vents, or from over-calculation; and the forced sales, at losing prices, may prostrate our establishments. From this view of the subject, it follows, that, if we would place the industry of our country upon a solid and unshakable foundation, we must adopt the protecting policy, which has everywhere succeeded, and reject that which would abandon it, which has everywhere failed.

Eighth. But if the policy of protection be wise, the gentleman from Virginia (Mr. Barbour) has made some ingenious calculations to prove that the measure of protection, already extended, has been sufficiently great. With some few exceptions, the existing duties, of which he has made an estimate, were laid with the object of revenue, and without reference to that of encouragement to domestic industry; and although it is admitted that the incidental effect of duties, so laid, is to promote our manufactures, yet if it falls short of competent protection, the duties might as well not have been imposed, with reference to that purpose. A moderate addition may acomplish this desirable end; and the proposed tariff is believed to have this character.

Ninth. The prohibitory policy, it is confidently asserted, is condemned by the wisdom of Europe, and by her most enlightened statesmen. Is this the fact? We call upon gentlemen to show in what instance a nation that has enjoyed its benefits has surrendered it. [Here Mr. Barbour rose, Mr. Clay giving way, and said, that England had departed from it in the China trade, in allowing us to trade with her East India possessions, and in tolerating our navigation to her West India colonies.] With respect to the trade to China, the whole amount of what England has done, is, to modify the monopoly of the East India Company, in behalf of one, and a small part of her subjects, to increase the commerce of another and the greater portion of them. The abolition of the restriction, therefore, operates altogether among the subjects of England; and does not touch at all the interests of foreign powers. The toleration of our commerce to British India, is for the sake of the specie, with which we mainly carry on that commerce, and which, having performed its circuit,

returns to Great Britain in exchange for British manufactures. The relaxation from the colonial policy, in the instance of our trade and navigation with the West Indies, is a most unfortunate example for the honorable gentleman; for in it is an illustrious proof of the success of our restrictive policy, when resolutely adhered to. Great Britain had prescribed the terms on which we were to be graciously allowed to carry on that trade. The effect of her regulations was, to exclude our navigation altogether, and a complete monopoly, on the part of the British navigation, was secured. We forbade it, unless our vessels should be allowed a perfect reciprocity. Great Britain stood out a long time, but finally yielded, and our navigation now fairly shares with hers in the trade. Have gentlemen no other to exhibit than these trivial relaxations from the prohibitory policy, which do not amount to a drop in the bucket, to prove its abandonment by Great Britain? Let them show us that her laws are repealed which prohibit the introduction of our flour and provisions; of French silks, laces, porcelain, manufactures of bronze, mirrors, woolens; and of the manufactures of all other nations; and then, we may be ready to allow that Great Britain has really abolished her prohibitory policy. We find there, on the contrary, that system of policy in full and rigorous operation, and a most curiously interwoven system it is, as she enforces it. She begins by protecting all parts of her immense dominions against foreign nations. She then protects the parent country against the colonies; and, finally, one part of the parent country against another. The sagacity of Scotch industry has carried the process of distillation to a perfection which would place the art in England on a footing of disadvantageous competition, and English distillation has been protected accordingly. But suppose it were even true that Great Britain had abolished all restrictions upon trade, and allowed the freest introduction of the produce of foreign labor, would that prove it unwise for us to adopt the protecting system? The object of protection is the establishment and perfection of the arts. In England it has accomplished its purpose, fulfilled its end. If she has not carried every branch of manufacture to the same high state of perfection that any other nation has, she has succeeded in so many, that she may safely challenge the most unshackled competition in exchanges. It is upon this very ground that many of her writers recommend an abandonment of the prohibitory system. It is to give greater scope to British industry and enterprise. It is upon the same selfish principle. The object of the most perfect freedom of trade, with such a nation as Britain, and of the most rigorous system of prohibition, with a nation whose arts are in their infancy, may both be precisely the same. In both cases, it is to give greater expansion to native industry. They only differ in the theaters of their operation. The abolition of the restrictive system by Britain, if by it she could prevail upon other nations to imitate her example, would have the effect of extending the consumption of British produce in other countries, where her writers boldly affirm it could maintain a fearless competition with the produce of

native labor. The adoption of the restrictive system, on the part of the United States, by excluding the produce of foreign labor, would extend the consumption of American produce, unable, in the infancy and unprotected state of the arts, to sustain a competition with foreign fabrics. Let our arts breathe under the shade of protection; let them be perfected, as they are in England, and we shall then be ready, as England now is said to be, to put aside protection, and to enter upon the freest exchanges. To what other cause, than to their whole prohibitory policy, can you ascribe British prosperity? It will not do to assign it to that of her antiquity; for France is no less ancient; though much less rich and powerful, in proportion to the population and natural advantages of France. Hallam, a sensible and highly approved writer on the middle ages, assigns the revival of the prosperity of the north of Europe to the success of the woolen manufactories of Flanders, and the commerce of which their fabrics became the subject; and the commencement of that of England to the establishment of similar manufactures there under the Edwards, and to the prohibitions which began about the same time. As to the poor-rates, the theme of so much reproach without England, and of so much regret within it, among her speculative writers, the system was a strong proof, no less of her unbounded wealth than of her pauperism. What other nation can dispense, in the form of regulated charity, the enormous sum, I believe, of ten or twelve millions sterling? The number of British paupers was the result of pressing the principle of population to its utmost limits, by her protecting policy, in the creation of wealth, and in placing the rest of the world under tribute to her industry. Doubtless the condition of England would be better, without paupers, if in other respects it remained the same. But in her actual circumstances, the poor system has the salutary effect of an equalizing corrective of the tendency to the concentration of riches, produced by the genius of her political institutions and by her prohibitory system.

But is it true, that England is convinced of the impolicy of the prohibitory system, and desirous to abandon it? What proof have we to that effect? We are asked to reject the evidence deducible from the settled and steady practice of England, and to take lessons in a school of philosophical writers, whose visionary theories are nowhere adopted; or, if adopted, bring with them inevitable distress, impoverishment, and ruin. Let us hear the testimony of an illustrious personage, entitled to the greatest attention, because he speaks after the full experiment of the unrestrictive system made in his own empire. I hope I shall give no offense in quoting from a publication issued from "the mint of Philadelphia;" from a work of Mr. Carey, of whom I seize, with great pleasure, the occasion to say, that he merits the public gratitude, for the disinterested diligence with which he has collected a large mass of highly useful facts, and for the clear and convincing reasoning with which he generally illustrates

them. The Emperor of Russia, in March, 1822, after about two years' trial of the free system, says, through Count Nesselrode:

"To produce happy effects, the principles of commercial freedom must be generally adopted. The state which adopts, while others reject them, must condemn its own industry and commerce to pay a ruinous tribute to those of other countries.

"From a circulation exempt from restraint, and the facility afforded by reciprocal exchanges, almost all the governments at first resolved to seek the means of repairing the evil which Europe had been doomed to suffer; but experience, and more correct calculations, because they were made from certain data, and upon the results already known of the peace that had just taken place, forced them soon to adhere to the prohibitory system.

"England preserved hers. Austria remained faithful to the rule she had laid down, to guard herself against the rivalship of foreign industry. France, with the same views, adopted the most rigorous measures of precaution. And Prussia published a new tariff in October last, which proves that she found it impossible not to follow the example of the rest of Europe.

"In proportion as the prohibitory system is extended and rendered perfect in other countries, that state which pursues the contrary system, makes, from day to day, sacrifices more extensive and more considerable. * * * It offers a continual encouragement to the manufactures of other countries, and its own manufactures perish in the struggle which they are, as yet, unable to maintain.

"It is with the most lively feelings of regret we acknowledge it is our own proper experience which enables us to trace this picture. The evils which it details have been realized in Russia and Poland, since the conclusion of the act of the 7th and 19th of December, 1818. *Agriculture without a market, industry without protection, languish and decline. Specie is exported, and the most solid commercial houses are shaken.* The public prosperity would soon feel the wound inflicted on private fortunes, if new regulations did not promptly change the actual state of affairs.

"Events have proved, that our *agriculture* and our *commerce*, as well as our *manufacturing industry*, are not only paralyzed, but *brought to the brink of ruin.*"

The example of Spain has been properly referred to, as affording a striking proof of the calamities which attend a state that abandons the care of its own internal industry. Her prosperity was the greatest when the arts, brought there by the Moors, flourished most in that kingdom. Then she received from England her wool, and returned it in the manufactured state; and then England was least prosperous. The two nations have reversed conditions. Spain, after the discovery of America, yielding to an inordinate passion for the gold of the Indies, sought in their mines that wealth which might have been better created at home. Can the remarkable difference in the state of the prosperity of the two countries be otherwise explained, than by the opposite systems which they pursued? England, by a sedulous attention to her home industry, supplied the means of an advantageous

commerce with her colonies. Spain, by an utter neglect of her domestic resources, confided altogether in those which she derived from her colonies, and presents an instance of the greatest adversity. Her colonies were infinitely more valuable than those of England; and, if she had adopted a similar policy, is it unreasonable to suppose that, in wealth and power, she would have surpassed that of England? I think the honorable gentleman from Virginia does great injustice to the Catholic religion, in specifying that as one of the leading causes of the decline of Spain. It is a religion entitled to great respect; and there is nothing in its character incompatible with the highest degree of national prosperity. Is not France, the most polished, in many other respects the most distinguished state, of Christendom, Catholic? Is not Flanders, the most populous part of Europe, also Catholic? Are the Catholic parts of Switzerland and of Germany less prosperous than those which are Protestant?

Tenth. The next objection of the honorable gentleman from Virginia which I shall briefly notice is, that the manufacturing system is adverse to the genius of our government, in its tendency to the accumulation of large capitals in a few hands; in the corruption of the public morals, which is alleged to be incident to it; and in the consequent danger to the public liberty. The first part of the objection would apply to every lucrative business, to commerce, to planting, and to the learned professions. Would the gentleman introduce the system of Lycurgus? If his principle be correct, it should be extended to any and every vocation which had a similar tendency. The enormous fortunes in our country—the nabobs of the land—have been chiefly made by the profitable pursuit of that foreign commerce, in more propitious times, which the honorable gentleman would so carefully cherish. Immense estates have also been made in the South. The dependents are, perhaps, not more numerous upon that wealth which is accumulated in manufactures than they are upon that which is acquired by commerce and by agriculture. We may safely confide in the laws of distributions, and in the absence of the rule of primogeniture, for the dissipation, perhaps too rapid, of large fortunes. What has become of those which were held two or three generations back in Virginia? Many of the descendants of the ancient aristocracy, as it was called, of that State, are now in the most indigent condition. The best security against the demoralization of society is the constant and profitable employment of its members. The greatest danger to public liberty is from idleness and vice. If manufactures form cities, so does commerce. And the disorders and violence which proceed from the contagion of the passions, are as frequent in one description of those communities as in the other. There is no doubt but that the yeomanry of a country is the safest depository of public liberty. In all time to come, and under any probable direction of the labor of our population, the agricultural class must be much the most numerous and powerful, and will ever retain, as it ought to retain, a preponderating influence in our councils. The extent and the fertility

of our lands constitute an adequate security against an excess in manufactures, and also against oppression, on the part of capitalists, toward the laboring portions of the community.

Eleventh. The last objection, with a notice of which I shall trouble the committee, is, that the Constitution does not authorize the passage of the bill. The gentleman from Virginia does not assert, indeed, that it is inconsistent with the express provisions of that instrument, but he thinks it incompatible with the spirit of the Constitution. If we attempt to provide for the internal improvement of the country, the Constitution, according to some gentlemen, stands in our way. If we attempt to protect American industry against foreign policy and the rivalry of foreign industry, the Constitution presents an insuperable obstacle. This Constitution must be a most singular instrument! It seems to be made for any other people than our own. Its action is altogether foreign. Congress has power to lay duties and imposts, under no other limitation whatever than that of their being uniform throughout the United States. But they can only be imposed, according to the honorable gentleman, for the sole purpose of revenue. This is a restriction which we do not find in the Constitution. No doubt revenue was a principal object with the framers of the Constitution in investing Congress with the power. But, in executing it, may not the duties and imposts be so laid as to secure domestic interests? Or is Congress denied all discretion as to the amount or the distribution of the duties and imposts?

The gentleman from Virginia has, however, entirely mistaken the clause of the Constitution on which we rely. It is that which gives to Congress the power to regulate commerce with foreign nations. The grant is plenary, without any limitation whatever, and includes the whole power of regulation, of which the subject to be regulated is susceptible. It is as full and complete a grant of the power as that is to declare war. What is a regulation of commerce? It implies the admission or exclusion of the object of it, and the terms. Under this power some articles, by the existing laws, are admitted freely; others are subjected to duties so high as to amount to their prohibition, and various rates of duties are applied to others. Under this power, laws of total non-intercourse with some nations, embargoes, producing an entire cessation of commerce with all foreign countries have been, from time to time, passed. These laws, I have no doubt, met with the entire approbation of the gentleman from Virginia. [Mr. Barbour said that he was not in Congress.] Wherever the gentleman was, whether on his farm or in the pursuit of that profession of which he is an ornament, I have no doubt that he gave his zealous support to the laws referred to.

The principle of the system under consideration has the sanction of some of the best and wisest men, in all ages, in foreign countries as well as in our own—of the Edwards, of Henry the Great, of Elizabeth, of the Colberts, abroad; of our Franklin, Jefferson, Madison, Hamilton, at home.

But it comes recommended to us by a higher authority than any of these illustrious as they unquestionably are—by the master-spirit of the age—that extraordinary man, who has thrown the Alexanders and the Cæsars infinitely further behind him than they stood in advance of the most eminent of their predecessors—that singular man who, whether he was seated on his imperial throne, deciding the fate of nations and allotting kingdoms to the members of his family, with the same composure, if not with the same affection, as that with which a Virginia father divides his plantations among his children, or on the miserable rock of St. Helena, to which he was condemned by the cruelty and the injustice of his unworthy victors, is equally an object of the most intense admiration. He appears to have comprehended, with the rapidity of intuition, the true interests of a State, and to have been able, by the turn of a single expression, to develop the secret springs of the policy of cabinets. We find that Las Casas reports him to have said:

"He opposed the principles of economists, which he said were correct in theory, though erroneous in their application. The political constitution of different States, continued he, must render these principles defective; local circumstances continually call for deviations from their uniformity. Duties, he said, which were so severely condemned by political economists, should not, it is true, be an object to the treasury; they should be the guaranty and protection of a nation, and should correspond with the nature and the objects of its trade. Holland, which is destitute of productions and manufactures, and which has a trade only of transit and commission, should be free of all fetters and barriers. France, on the contrary, which is rich in every sort of production and manufactures, should incessantly guard against the importations of a rival, who might still continue superior to her, and also against the cupidity, egotism, and indifference of mere brokers.

"I have not fallen into the error of modern systematizers," said the emperor, "who imagine that all the wisdom of nations is centred in themselves. Experience is the true wisdom of nations. And what does all the reasoning of economists amount to? They incessantly extol the prosperity of England, and hold her up as our model; but the custom-house system is more burdensome and arbitrary in England than in any other country. They also condemn prohibitions; yet it was England set the example of prohibitions; and they are in fact necessary with regard to certain objects. Duties can not adequately supply the place of prohibitions; there will always be found means to defeat the object of the legislator. In France we are still very far behind on these delicate points, which are still unperceived or ill understood by the mass of society. Yet, what advancement have we now made; what correctness of ideas has been introduced by my gradual classification of agriculture, industry, and trade; objects so distinct in themselves, and which present so great and positive a graduation!

"First. Agriculture; the soul, the first basis, of the empire.

"Second. Industry; the comfort and happiness of the population.

"Third. Foreign Trade; the superabundance, the proper application, of the surplus of agriculture and industry.

"Agriculture was continually improved during the whole course of the revolution. Foreigners thought it ruined in France. In 1814, however, the English were compelled to admit that we had little or nothing to learn from them.

"Industry or manufactures, and internal trade, made immense progress during my reign. The application of chemistry to the manufactures, caused them to advance with giant strides. I gave an impulse, the effects of which extended throughout Europe.

"Foreign trade, which, in its results, is infinitely inferior to agriculture, was an object of subordinate importance in my mind. Foreign trade is made for agriculture and home industry, and not the two latter for the former. The interests of these three fundamental cases are diverging and frequently conflicting. I always promoted them in their natural gradation, but I could not and ought not to have ranked them all on an equality. Time will unfold what I have done, the national resources which I created, and the emancipation from the English which I brought about. We have now the secret of the commercial treaty of 1783. France still exclaims against its author; but the English demanded it on pain of resuming the war. They wished to do the same after the treaty of Amiens, but I was then all-powerful; I was a hundred cubits high. I replied, that if they were in possession of the heights of Montmartre I would still refuse to sign the treaty. These words were echoed through Europe.

"The English will now impose some such treaty on France, at least, if popular clamor and the opposition of the mass of the nation, do not force them to draw back. This thraldom would be an additional disgrace in the eyes of that nation, which is now beginning to acquire a just perception of her own interests.

"When I came to the head of the government, the American ships, which were permitted to enter our ports on the score of their neutrality, brought us raw materials, and had the impudence to sail from France without freight, for the purpose of taking in cargoes of English goods in London. They, moreover, had the insolence to make their payments, when they had any to make, by giving bills on persons in London. Hence the vast profits reaped by the English manufacturers and brokers, entirely to our prejudice. I made a law that no American should import goods to, any amount, without immediately exporting their exact equivalent. A loud outcry was raised against this: it was said that I had ruined trade. But what was the consequence? Notwithstanding the closing of my ports and in spite of the English who ruled the seas, the Americans returned and submitted to my regulations. What might I not have done under more favorable circumstances

"Thus I naturalized in France the manufacture of cotton, which includes,

"First, spun cotton. We did not previously spin it ourselves; the English supplied us with it, as a sort of favor.

"Secondly, the web. We did not yet make it; it came to us from abroad.

"Thirdly, the printing. This was the only part of the manufacture that we performed ourselves. I wished to naturalize the two first branches; and I proposed to the Council of State, that their importation should be prohibited. This excited great alarm. I sent for Oberkamp, and I conversed with him a long time. I learned from him, that this prohibition would doubtless produce a shock, but that, after a year or two of perseverance, it would prove a triumph, whence we should derive immense advantages. Then I issued my decree in spite of all; this was a true piece of statesmanship.

"I at first confined myself merely to prohibiting the web; then I extended the prohibition to spun cotton; and we now possess, within ourselves, the three branches of the cotton manufacture, to the great benefit of our population, and the injury and regret of the English; which proves that, in civil government, as well as in war, decision of character is often indispensable to success."

I will trouble the committee with only one other quotation, which I shall make from Lowe; and from hearing which, the committee must share with me in the mortification which I felt on perusing it. That author says, "It is now above forty years since the United States of America were definitely separated from us, and since, their situation has afforded a proof that the benefit of mercantile intercourse may be retained, in all its extent, without the care of governing, or the expense of defending, these once regretted provinces." Is there not too much truth in this observation? By adhering to the foreign policy, which I have been discussing, do we not remain essentially British, in every thing but the form of our government? Are not our interests, our industry, our commerce, so modified as to swell British pride, and to increase British power?

Mr. Chairman, our confederacy comprehends, within its vast limits, great diversity of interests: agricultural, planting, farming, commercial, navigating, fishing, manufacturing. No one of these interests is felt in the same degree, and cherished with the same solicitude, throughout all parts of the Union. Some of them are peculiar to particular sections of our common country. But all these great interests are confided to the protection of one government—to the fate of one ship—and a most gallant ship it is, with a noble crew. If we prosper, and are happy, protection must be extended to all; it is due to all. It is the great principle on which obedience is demanded from all. If our essential interests can not find protection from our own government against the policy of foreign powers, where are they to get it? We did not unite for sacrifice, but for preservation. The inquiry should be, in reference to the great interests of every section of the Union (I speak not of minute subdivisions), what would be done

for those interests if that section stood alone and separated from the residue of the republic? If the promotion of those interests would not injuriously affect any other section, then every thing should be done for them, which would be done if it formed a distinct government. If they come into absolute collision with the interests of another section, a reconciliation, if possible, should be attempted, by mutual concession, so as to avoid a sacrifice of the prosperity of either to that of the other. In such a case, all should not be done for one which would be done, if it were separated and independent, but something; and, in devising the measure, the good of each part and of the whole, should be carefully consulted. This is the only mode by which we can preserve, in full vigor, the harmony of the whole Union. The South entertains one opinion, and imagines that a modification of the existing policy of the country, for the protection of American industry, involves the ruin of the South. The North, the East, the West, hold the opposite opinion, and feel and contemplate, in a longer adherence to the foreign policy, as it now exists, their utter destruction. Is it true, that the interests of these great sections of our country are irreconcilable with each other? Are we reduced to the sad and afflicting dilemma of determining which shall fall a victim to the prosperity of the other? Happily, I think, there is no such distressing alternative. If the North, the West, and the East, formed an independent State, unassociated with the South, can there be a doubt that the restrictive system would be carried to the point of prohibition of every foreign fabric of which they produce the raw material, and which they could manufacture? Such would be their policy, if they stood alone; but they are fortunately connected with the South, which believes its interests to require a free admission of foreign manufactures. Here then is a case for mutual concession, for fair compromise. The bill under consideration presents this compromise. It is a medium between the absolute exclusion and the unrestricted admission of the produce of foreign industry. It sacrifices the interest of neither section to that of the other; neither, it is true, gets all that it wants, nor is subject to all that it fears. But it has been said that the South obtains nothing in this compromise. Does it lose any thing? is the first question. I have endeavored to prove that it does not, by showing that a mere transfer is effected in the source of the supply of its consumption from Europe to America; and that the loss, whatever it may be, of the sale of its great staple in Europe, is compensated by the new market created in America. But does the South really gain nothing in this compromise? The consumption of the other sections, though somewhat restricted, is still left open by this bill, to foreign fabrics purchased by southern staples. So far its operation is beneficial to the South, and prejudicial to the industry of the other sections, and that is the point of mutual concession. The South will also gain by the extended consumption of its great staple, produced by an increased capacity to consume it in consequence of the establishment of the home market. But the South

can not exert its industry and enterprise in the business of manufactures! Why not? The difficulties, if not exaggerated, are artificial, and may, therefore, be surmounted. But can the other sections embark in the planting occupations of the South? The obstructions which forbid them are natural, created by the immutable laws of God, and, therefore, unconquerable.

Other and animating considerations invite us to adopt the policy of this system. Its importance, in connection with the general defense in time of war, can not fail to be duly estimated. Need I recall to our painful recollection the sufferings, for the want of an adequate supply of absolute necessaries, to which the defenders of their country's rights and our entire population, were subjected during the late war? Or to remind the committee of the great advantage of a steady and unfailing source of supply, unaffected alike in war and in peace? Its importance, in reference to the stability of our Union, that paramount and greatest of all our interests, can not fail warmly to recommend it, or at least to conciliate the forbearance of every patriot bosom. Now our people present the spectacle of a vast assemblage of jealous rivals, all eagerly rushing to the sea-board, jostling each other in their way, to hurry off to glutted foreign markets the perishable produce of their labor. The tendency of that policy, in conformity to which this bill is prepared, is to transform these competitors into friends and mutual customers; and, by the reciprocal exchanges of their respective productions, to place the confederacy upon the most solid of all foundations, the basis of common interest. And is not government called upon, by every stimulating motive, to adapt its policy to the actual condition and extended growth of our great republic? At the commencement of our Constitution, almost the whole population of the United States was confined between the Alleghany mountains and the Atlantic ocean. Since that epoch, the western part of New York, of Pennsylvania, of Virginia, all the western States and Territories, have been principally peopled. Prior to that period we had scarcely any interior. An interior has sprung up, as it were by enchantment, and along with it new interests and new relations, requiring the parental protection of government. Our policy should be modified accordingly, so as to comprehend all, and sacrifice none. And are we not encouraged by the success of past experience, in respect to the only article which has been adequately protected? Already have the predictions and the friends of the American system, in even a shorter time than their most sanguine hopes could have anticipated, been completely realized in regard to that article; and consumption is now better and more cheaply supplied with coarse cottons, than it was under the prevalence of the foreign system.

Even if the benefits of the policy were limited to certain sections of our country, would it not be satisfactory to behold American industry, wherever situated, active, animated, and thrifty, rather than persevere in a course which renders us subservient to foreign industry? But these ben-

efits are twofold, direct, and collateral, and, in the one shape or the other, they will diffuse themselves throughout the Union. All parts of the Union will participate, more or less, in both. As to the direct benefit, it is probable that the North and the East will enjoy the largest share. But the West and the South will also participate in them. Philadelphia, Baltimore, and Richmond, will divide with the northern capitals the business of manufacturing. The latter city unites more advantages for its successful prosecution than any other place I know, Zanesville, in Ohio, only excepted. And where the direct benefit does not accrue, that will be enjoyed of supplying the raw material and provisions for the consumption of artisans. Is it not most desirable to put at rest and prevent the annual recurrence of this unpleasant subject, so well fitted, by the various interests to which it appeals, to excite irritation and to produce discontent? Can that be effected by its rejection? Behold the mass of petitions which lie on our table, earnestly and anxiously entreating the protecting interposition of Congress against the ruinous policy which we are pursuing. Will these petitioners, comprehending all orders of society, entire States and communities, public companies and private individuals, spontaneously assembling, cease in their humble prayers by your lending a deaf ear? Can you expect that these petitioners and others, in countless numbers, that will, if you delay the passage of this bill, supplicate your mercy, should contemplate their substance gradually withdraw to foreign countries, their ruin slow, but certain and as inevitable as death itself, without one expiring effort? You think the measure injurious to you; we believe our preservation depends upon its adoption. Our convictions, mutually honest, are equally strong. What is to be done? I invoke that saving spirit of mutual concession under which our blessed Constitution was formed, and under which alone it can be happily administered. I appeal to the South —to the high-minded, generous, and patriotic South—with which I have so often co-operated, in attempting to sustain the honor and to vindicate the rights of our country. Should it not offer, upon the altar of the public good, some sacrifice of its peculiar opinions? Of what does it complain? A possible temporary enhancement in the objects of consumption. Of what do we complain? A total incapacity, produced by the foreign policy, to purchase, at any price, necessary foreign objects of consumption. In such an alternative, inconvenient only to it, ruinous to us, can we expect too much from southern magnanimity? The just and confident expectation of the passage of this bill has flooded the country with recent importations of foreign fabrics. If it should not pass, they will complete the work of destruction of our domestic industry. If it should pass, they will prevent any considerable rise in the price of foreign commodities, until our own industry shall be able to supply competent substitutes.

To the friends of the tariff I would also anxiously appeal. Every arrangement of its provisions does not suit each of you; you desire some further alterations; you would make it perfect. You want what you will

never get. Nothing human is perfect. And I have seen, with great surprise, a piece signed by a member of Congress, published in the "National Intelligencer," stating that this bill must be rejected, and a judicious tariff brought in as its substitute. A *judicious* tariff! No member of Congress could have signed that piece; or, if he did, the public ought not to be deceived. If this bill do not pass, unquestionably no other can pass at this session, or probably during this Congress. And who will go home and say that he rejected all the benefits of this bill, because molasses has been subjected to the enormous additional duty of five cents per gallon? I call, therefore, upon the friends of the American policy, to yield somewhat of their own peculiar wishes, and not to reject the practicable in the idle pursuit after the unattainable. Let us imitate the illustrious example of the framers of the Constitution, and always remembering that whatever springs from man partakes of his imperfections, depend upon experience to suggest, in future, the necessary amendments.

We have had great difficulties to encounter. First, the splendid talents which are arrayed in this House against us. Second, we are opposed by the rich and powerful in the land. Third, the executive government, if any, affords us but a cold and equivocal, support. Fourth, the importing and navigating interest, I verily believe from misconception, are adverse to us. Fifth, the British factors and the British influence are inimical to our success. Sixth, long-established habits and prejudices oppose us. Seventh, the reviewers and literary speculators, foreign and domestic. And, lastly, the leading presses of the country, including the influence of that which is established in this city, and sustained by the public purse.

From some of these, or other causes, the bill may be postponed, thwarted, defeated. But the cause is the cause of the country, and it must and will prevail. It is founded in the interests and affections of the people. It is as native as the granite deeply imbosomed in our mountains. And, in conclusion, I would pray God, in his infinite mercy, to avert from our country the evils which are impending over it, and, by enlightening our councils, to conduct us into that path which leads to riches, to greatness, to glory.

REPLY TO JOHN RANDOLPH

IN THE HOUSE OF REPRESENTATIVES, 1824.

[NOTWITHSTANDING Mr. Randolph, from some cause which we will not attempt to divine, had shown much disposition to annoy Mr. Clay as Speaker of the House of Representatives, and made many thrusts at him, and notwithstanding the duel between them, they met at last in perfect amity, in the Senate chamber, when Mr. Randolph, being in declining health, and apparently near his end, approached Mr. Clay, and gave him his hand. It was a touching interview. The following morceau, in reply to one of Mr. Randolph's assaults, is worth preserving, and shows a pacific disposition, mingled with pleasantry.]

SIR, I am growing old. I have had some little measure of experience in public life, and the result of that experience has brought me to this conclusion, that when business, of whatever nature, is to be transacted in a deliberative assembly, or in private life, courtesy, forbearance, and moderation, are best calculated to bring it to a successful conclusion. Sir, my age admonishes me to abstain from involving myself in personal difficulties; would to God that I could say, I am also restrained by higher motives. I certainly never sought any collision with the gentleman from Virginia. My situation at this time is peculiar, if it be nothing else, and might, I should think, dissuade, at least, a generous heart from any wish to draw me into circumstances of personal altercation. I have experienced this magnanimity from some quarters of the House. But I regret, that from others it appears to have no such consideration. The gentleman from Virginia was pleased to say, that in one point at least he coincided with me—in an humble estimate of my grammatical and philological acquirements. I know my deficiencies. I was born to no proud patrimonial estate; from my father I inherited only infancy, ignorance, and indigence. I feel my defects; but, so far as my situation in early life is concerned, I may, without presumption, say they are more my misfortune than my fault. But, however I regret my want of ability to furnish to the gentleman a better specimen of powers of verbal criticism, I will venture to say, it is not greater than the disappointment of this committee as to the strength of his argument.

ADDRESS TO GENERAL LAFAYETTE

IN THE HOUSE OF REPRESENTATIVES, DECEMBER 10, 1824.

[MR. CLAY being Speaker of the House of Representatives when General Lafayette was presented to that body, it devolved on him to welcome the nation's guest; and the following is a copy of his brief speech on that interesting occasion. Forty years had elapsed since General Lafayette had left our shores, and he, in the mean time, had enacted a prominent part in the eventful changes through which his own country had passed, besides having been once in captivity for his country's cause. A young man, he came to assist America in her struggle for freedom, was the companion in arms of Washington, and continued in our service till the close of the Revolutionary War. Grateful for these services, the American people, through their representatives at Washington, had invited Lafayette to visit this country in his old age, as the nation's guest, and sent a public ship to bring him to our shores. This invitation was accepted, and General Lafayette had made his tour of the States, everywhere honored by an uninterrupted ovation, before Congress assembled. It was peculiarly fit, that the most prominent and most influential American statesman in the war of 1812, should welcome to our midst this volunteer soldier of the war of 1776, who left his own country to fight our battles in company with Washington, and who never left the field till our independence was achieved. Mr. Clay, crowned with a civic laurel, stood in the presence of the man, who, a foreigner, had staked his fortune and drawn his sword for American Liberty, when it hung doubtful in the scales of the future, and whose brow was covered with military chaplets, won on our own soil, and on that of his own country. Such were the men brought together as speakers on this occasion—one to express the gratitude of a nation, and the other to receive the first meed of praise for services, long past, in behalf of a generation now for the most part in their graves. But, while men die, history lives, and imparts unfading renown to

MARQUIS DE

ADDRESS TO GENERAL LAFAY[illegible]

IN T[illegible] [illegible]BER [illegible]

[Mr. C[illegible] of the H[illegible] of Repre[illegible] when G[illegible] was pres[illegible] body, [illegible] on him [illegible] the follo[illegible] copy [illegible] occasion. [illegible] left ou[illegible] [illegible] minent pa[illegible] [illegible] country ha[illegible] [illegible] ntry's [illegible] [illegible] struggl[illegible] [illegible] of the [illegible] [illegible] American people [illegible] [illegible] had invited [illegible] in [illegible] nation's [illegible] [illegible] shores. This [illegible] General [illegible] had made his [illegible] of the [illegible] honor[illegible] uninterrupted ovation before [illegible] It was [illegible] fit, that the most prominent [illegible] tial American statesman in the war of 1812, [illegible] our [illegible] volunteer soldier of the war of [illegible] own country to fight our battles in company [illegible] and who never left the field till our independ[illegible] Mr. Clay, crowned with a civic laurel, stood [illegible] the man, who, a foreigner, had staked his fortu[illegible] sword for American Liberty, when it hung do[illegible] of the future, and whose brow was covered [illegible] lets, won on our own soil, and on that of [illegible] Such were the men brought together as spe[illegible] sion—one to express the gratitude of a nat[illegible] receive the first meed of praise for services, [illegible] of a generation now for the most part in the [illegible] while [illegible] history lives, and imparts unt[illegible]

MARQUIS DE LAFAYETTE.

those who have justly earned it. It is rare, in the history of the world, that such an occasion occurs as that on which the following address was delivered; and still more rare, that speakers occupying a like relative position should grace it and make it memorable.]

GENERAL, The House of Representatives of the United States, impelled alike by its own feelings, and by those of the whole American people, could not have assigned to me a more gratifying duty than that of presenting to you cordial congratulations upon the occasion of your recent arrival in the United States, in compliance with the wishes of Congress, and to assure you of the very high satisfaction which your presence affords on this early theater of your glory and renown. Although but few of the members who compose this body shared with you in the war of our Revolution, all have, from impartial history, or from faithful tradition, a knowledge of the perils, the sufferings, and the sacrifices, which you voluntarily encountered, and the signal services, in America and in Europe, which you performed for an infant, a distant, and an alien people; and all feel and own the very great extent of the obligations under which you have placed our country. But the relations in which you have ever stood to the United States, interesting and important as they have been, do not constitute the only motive of the respect and admiration which the House of Representatives entertain for you. Your consistency of character, your uniform devotion to regulated liberty, in all the vicissitudes of a long and arduous life, also commands its admiration. During all the recent convulsions of Europe, amid, as after the dispersion of, every political storm, the people of the United States have beheld you, true to your old principles, firm and erect, cheering and animating with your well-known voice, the votaries of liberty, its faithful and fearless champion, ready to shed the last drop of that blood which here you so freely and nobly spilled, in the same holy cause.

The vain wish has been sometimes indulged, that Providence would allow the patriot, after death, to return to his country, and to contemplate the intermediate changes which had taken place; to view the forests felled, the cities built, the mountains leveled, the canals cut, the highways constructed, the progress of the arts, the advancement of learning, and the increase of population. General, your present visit to the United States is a realization of the consoling object of that wish. You are in the midst of posterity. Everywhere, you must have been struck with the great changes, physical and moral, which have occurred since you left us. Even this very city, bearing a venerated name, alike endeared to you and to us, has since emerged from the forest which then covered its site. In one respect you behold us unaltered, and this is in the sentiment of continued devotion to liberty, and of ardent affection and profound gratitude to your

departed friend, the father of his country, and to you, and to your illustrious associates in the field and in the cabinet, for the multiplied blessings which surround us, and for the very privilege of addressing you which I now exercise. This sentiment, now fondly cherished by more than ten millions of people, will be transmitted, with unabated vigor, down the tide of time, through the countless millions who are destined to inhabit this continent, to the latest posterity.

[General Lafayette replied to this address in a befitting and touching manner.]

MR. CLAY'S ADDRESS TO HIS CONSTITUENTS,

ON THE PRESIDENTIAL ELECTION OF 1825. MARCH 26, 1825.

[THIS, as will be seen, is one of Mr. Clay's literary compositions, and not a reported speech. It is dated some twenty days after he had entered on his duties as Secretary of State, under Mr. Adams, and was written to vindicate himself before his constituents in Kentucky, and before the country, from the charge of "bargain and corruption," with which he had been so violently assailed, for the part he took, as a member of the House of Representatives, in the Presidential election of February, 1825. It mattered not whether General Jackson or Mr. Adams should have been elected President by the House, Mr. Clay was bound to be Secretary of State, if the wishes of the country and of the great West had been regarded. Whether authorized by General Jackson himself, or not, it is certain that this office was tendered to him, by the General's friends, through Mr. Buchanan, if he (Mr. Clay) would support the General's pretensions. But no such offer was made by Mr. Adams, nor was there any tacit understanding to this effect. On the contrary, so far as it is possible to prove a negative, it has been demonstrated. Mr. Clay denied any such overtures from Mr. Adams or his friends; but he has caused it to be recorded in history, that it was made to him by Mr. Buchanan, for General Jackson, or in his behalf. Unfortunately, however, Mr. Clay's relations to General Jackson and his friends were not of an auspicious character. He did not respect General Jackson's claims, but thought him very unqualified for civil trusts, although he conceded to him a very high order of military talents.

There was a natural ground of suspicion with General Jackson and his friends, toward Mr Clay, and while Mr. Clay refused to throw himself into their hands, their inference was, that he was engaged in a conspiracy against them. Ready to bargain themselves, they also believed that Mr. Clay would bargain on one side or the other; and they believed it certain that if he would

not bargain with General Jackson, it could only be because he had bargained with Mr. Adams. Hence the charge against Mr. Clay, without the slightest evidence to support it. It seemed morally impossible that General Jackson and his friends should appreciate the lofty ground occupied by Mr. Clay, as conceded to him by the country and by all parties, rendering it entirely unnecessary for him to have any understanding with any party, as to what place he should occupy in the government. The only question was, as to what party he might incline to favor. It was impossible that his sympathies, or his sense of duty to the country, should run on the side of General Jackson, as his speech on the Seminole War, before given, will show. Mr. Clay's opinion of General Jackson corresponded with that of Mr. Jefferson, which has lately come to light in the publication of the private correspondence of Daniel Webster, as having been uttered by Mr. Jefferson in 1824, when General Jackson was first run for the Presidency: "I feel much alarmed," said Mr. Jefferson to. Mr. Webster, "at the prospect of seeing General Jackson president. He is one of the most unfit men I know of for such a place. He has had very little respect for laws or constitutions, though an able military chief. His passions are terrible. When I was President of the Senate, he was a senator; and he could never speak on account of the rashness of his feelings. I have seen him attempt it repeatedly, and as often choke with rage. His passions are, no doubt, cooler now; for he has been much tried since I knew him. But he is a dangerous man."

This is recorded by Mr. Webster as having been uttered by Mr. Jefferson in private conversation, when Mr. Webster was a guest at Monticello, and it is no doubt true. Mr. Clay had like reasons for believing General Jackson to be a dangerous man, and he conscientiously entertained them. Hence his preference of Mr. Adams, and hence the violent persecution of Mr. Clay on account of this preference, which is fully set forth in the chapters entitled "The Great Conspiracy," in the first volume of this work, and which is also briefly illustrated in the following address.]

THE relations of your representative and of your neighbor, in which I have so long stood, and in which I have experienced so many strong proofs of your confidence, attachment, and friendship, having just been, the one terminated, and the other suspended, I avail myself of the occasion on taking, I hope a temporary, leave of you, to express my unfeigned gratitude for all your favors, and to assure you that I shall cherish a fond

and unceasing recollection of them. The extraordinary circumstances in which, during the late session of Congress, I have been placed, and the unmerited animadversions which I have brought upon myself, for an honest and faithful discharge of my public duty, form an additional motive for this appeal to your candor and justice. If, in the office which I have just left, I have abused your confidence and betrayed your interests, I can not deserve your support in that on the duties of which I have now entered. On the contrary, should it appear that I have been assailed without just cause, and that misguided zeal and interested passions have singled me out as a victim, I can not doubt that I shall continue to find, in the enlightened tribunal of the public, that cheering countenance and impartial judgment, without which a public servant can not possibly discharge with advantage the trust confided to him.

It is known to you, that my name has been presented, by the respectable States of Ohio, Kentucky, Louisiana, and Missouri, for the office of president, to the consideration of the American public, and that it had attracted some attention in other quarters of the Union. When, early in November last, I took my departure from the District to repair to this city, the issue of the presidential election before the people was unknown. Events, however, had then so far transpired as to render it highly probable that there would be no election by the people, and that I should be excluded from the House of Representatives. It became, therefore, my duty to consider, and to make up an opinion on, the respective pretensions of the three gentlemen who might be returned, and at that early period I stated to Dr. Drake, one of the professors in the Medical School of Transylvania University, and to John J. Crittenden, Esquire, of Frankfort, my determination to support Mr. Adams in preference to General Jackson. I wrote to Charles Hammond, Esquire, of Cincinnati, about the same time, and mentioned certain objections to the election of Mr. Crawford (among which was that of his continued ill health), that appeared to me almost insuperable. During my journey hither, and up to near Christmas, it remained uncertain whether Mr. Crawford or myself would be returned, to the House of Representatives. Up to near Christmas, all our information made it highly probable that the vote of Louisiana would be given to me, and that I should consequently be returned, to the exclusion of Mr. Crawford. And while that probability was strong, I communicated to Mr. Senator Johnston, from Louisiana, my resolution not to allow my name, in consequence of the small number of votes by which it wou'd be carried into the House, if I were returned, to constitute an obstacle, for one moment, to an election in the House of Representatives.

During the month of December, and the greater part of January, strong professions of high consideration, and of unbounded admiration of me, were made to my friends, in the greatest profusion, by some of the active friends of all the returned candidates. Every body professed to regret, after I was excluded from the House, that I had not been returned to it. I

seemed to be the favorite of every body. Describing my situation to a distant friend, I said to him, "I am enjoying, while alive, the posthumous honors which are usually awarded to the venerated dead." A person not acquainted with human nature would have been surprised, in listening to these praises, that the object of them had not been elected by general acclamation. None made more or warmer manifestations of these sentiments of esteem and admiration than some of the friends of General Jackson. None were so reserved as those of Mr. Adams—under an opinion (as I have learned since the election), which they early imbibed, that the western vote would be only influenced by its own sense of public duty, and that if its judgment pointed to any other than Mr. Adams, nothing which they could do would secure it to him. These professions and manifestations were taken by me for what they were worth. I knew that the sunbeams would quickly disappear, after my opinion should be ascertained, and that they would be succeeded by a storm; although I did not foresee exactly how it would burst upon my poor head. I found myself transformed from a candidate before the people, into an elector for the people. I deliberately examined the duties incident to this new attitude, and weighed all the facts before me, upon which my judgment was to be formed or reviewed. If the eagerness of any of the heated partisans of the respective candidates suggested a tardiness in the declaration of my intention, I believed that the new relation in which I was placed to the subject, imposed on me an obligation to pay some respect to delicacy and decorum.

Meanwhile, that very reserve supplied aliment to newspaper criticism. The critics could not comprehend how a man standing as I had stood toward the other gentlemen, should be restrained, by a sense of propriety, from instantly fighting under the banners of one of them, against the others. Letters were issued from the manufactory at Washington, to come back, after performing long journeys, for Washington consumption. These letters imputed to "Mr. Clay and his friends a mysterious, a portentous silence," and so forth. From dark and distant hints the progress was easy to open and bitter denunciation. Anonymous letters, full of menace and abuse, were almost daily poured in on me. Personal threats were communicated to me, through friendly organs, and I was kindly apprized of all the glories of village effigies which awaited me. A systematic attack was simultaneously commenced upon me from Boston to Charleston, with an object, present and future, which it was impossible to mistake. No man but myself could know the nature, extent, and variety, of means which were employed to awe and influence me. I bore them, I trust, as your representative ought to have borne them, and as became me. Then followed the letter, afterward adopted as his own, by Mr. Kremer, to the Columbian Observer. With its character and contents you are well acquainted. When I saw that letter, alleged to be written by a member of the very House over which I was presiding, who was so far designated as to be described as belonging to a particular delegation by name, a member with

whom I might be daily exchanging, at least on my part, friendly salutations, and he was possibly receiving from me constantly acts of courtesy and kindness, I felt that I could no longer remain silent. A crisis appeared to me to have arisen in my public life. I issued my card. I ought not to have put in it the last paragraph, because, although it does not necessarily imply the resort to a personal combat, it admits of that construction; nor will I conceal that such a possible issue was within my contemplation. I owe it to the community to say, that whatever heretofore I may have done, or, by inevitable circumstances, might be forced to do, no man in it holds in deeper abhorrence than I do, that pernicious practice. Condemned as it must be by the judgment and philosophy, to say nothing of the religion, of every thinking man, it is an affair of feeling about which we can not, although we should, reason. Its true corrective will be found when all shall unite, as all ought to unite, in its unqualified proscription.

A few days after the publication of my card, "another card," under Mr. Kremer's name, was published in the Intelligencer. The night before, as I was voluntarily informed, Mr. Eaton, a senator from Tennessee, and the biographer of General Jackson (who boarded in the end of this city, opposite to that in which Mr. Kremer took up his abode, a distance of about two miles and a half), was closeted for some time with him. Mr. Kremer is entitled to great credit for having overcome all the disadvantages incident to his early life and want of education, and forced his way to the honorable station of a member of the House of Representatives. Ardent in his attachment to the cause which he had espoused, General Jackson is his idol, and of his blind zeal others have availed themselves, and have made him their dupe and their instrument. I do not pretend to know the object of Mr. Eaton's visit to him. I state the fact as it was communicated to me, and leave you to judge. Mr. Kremer's card is composed with some care and no little art, and he is made to avow in it, though somewhat equivocally, that he is the author of the letter to the Columbian Observer. To Mr. Crowninshield, a member from Massachusetts, formerly Secretary of the Navy, he declared that he was not the author of that letter. In his card he draws a clear line of separation between my friends and me, acquitting them, and undertaking to make good his charges in that letter only so far as I am concerned. The purpose of this discrimination is obvious. At that time the election was undecided, and it was therefore as important to abstain from imputations against my friends, as it was politic to fix them upon me. If they could be made to believe that I had been perfidious, in the transport of their indignation, they might have been carried to the support of General Jackson. I received the National Intelligencer, containing Mr. Kremer's card, at breakfast (the usual time of its distribution), on the morning of its publication. As soon as I read the card I took my resolution. The terms of it clearly implied that it had not entered into his conception to have a personal affair with

me; and I should have justly exposed myself to universal ridicule if I had sought one with him. I determined to lay the matter before the House, and respectfully invite an investigation of my conduct. I accordingly made a communication to the House on the same day, the motives for which I assigned. Mr. Kremer was in his place, and, when I sat down, rose and stated that he was prepared and willing to substantiate his charges against me. This was his voluntary declaration, unprompted by his aiders and abettors, who had no opportunity of previous consultation with him on that point. Here was an issue publicly and solemnly joined, in which the accused invoked an inquiry into serious charges against him, and the accuser professed an ability and a willingness to establish them. A debate ensued on the next day which occupied the greater part of it, during which Mr. Kremer declared to Mr. Brent, of Louisiana, a friend of mine, and to Mr. Little, of Maryland, a friend of General Jackson, as they have certified, "that he never intended to charge Mr. Clay with corruption or dishonor, in his intended vote for Mr. Adams as president, or that he had transferred or could transfer the votes or interests of his friends; that he (Mr. Kremer) was among the last men in the nation to make such a charge against Mr. Clay; and that his letter was never intended to convey the idea given to it." Mr. Digges, a highly respectable inhabitant of this city, has certified to the same declarations of Mr. Kremer.

A message was also conveyed to me, during the discussion, through a member of the House, to ascertain if I would be satisfied with an explanation which was put on paper and shown me, and which it was stated Mr Kremer was willing, in his place, to make. I replied that the matter was in the possession of the House. I was afterward told that Mr. Ingham, of Pennsylvania, got hold of that paper, put it in his pocket, and that he advtsed Mr. Kremer to take no step without the approbation of his friends. Mr. Cook, of Illinois, moved an adjournment of the House on information which he received of the probability of Mr. Kremer's making a satisfactory atonement on the next day, for the injury which he had done me, which I have no doubt he would have made if he had been left to the impulses of his native honesty. The House decided to refer my communication to a committee, and adjourned until the next day to appoint it by ballot. In the mean time Mr. Kremer had taken, I presume, or rather there had been forced upon him the advice of his friends, and I heard no more of the apology. A committee was appointed of seven gentlemen, of whom not one was my political friend, but who were among the most eminent members of the body. I received no summons or notification from the committee from its first organization to its final dissolution, but Mr. Kremer was called upon by it to bring forward his proofs.

For one moment be pleased to stop here and contemplate his posture, his relation to the House and to me, and the high obligations under which he had voluntarily placed himself. He was a member of one of the most august assemblies upon earth, of which he was bound to defend the purity

or expose the corruption by every consideration which ought to influence a patriot bosom. A most responsible and highly important constitutional duty was to be performed by that assembly. He had chosen, in an anonymous letter, to bring against its presiding officer charges, in respect to that duty, of the most flagitious character. These charges comprehend delegations from several highly respectable States. If true, that presiding officer merited not merely to be dragged from the chair, but to be expelled the House. He challenges an investigation into his conduct, and Mr. Kremer boldly accepts the challenge, and promises to sustain his accusation. The committee appointed by the House itself, with the common consent of both parties, calls upon Mr. Kremer to execute his pledge publicly given, in his proper place, and also previously given in the public prints. Here is the theater of the alleged arrangements; this the vicinage in which the trial ought to take place. Every thing was here fresh in the recollection of the witnesses, if there were any. Here all the proofs were concentrated, Mr. Kremer was stimulated by every motive which could impel to action; by his consistency of character; by duty to his constituents, to his country; by that of redeeming his solemn pledge; by his anxious wish for the success of his favorite, whose interests could not fail to be advanced by supporting his atrocious charges. But Mr. Kremer had now the benefit of the advice of his friends. He had no proofs, for the plainest of all reasons, because there was no truth in his charges. They saw that to attempt to establish them and to fail, as he must fail in the attempt, might lead to an exposure of the conspiracy, of which he was the organ. They advised therefore, that he should make a retreat, and their adroitness suggested, that in an objection to that jurisdiction of the House, which had been admitted, and in the popular topics of the freedom of the press, his duty to his constituents, and the inequality in the condition of the Speaker of the House, and a member on the floor, plausible means might be found to deceive the ignorant and conceal his disgrace. A labored communication was accordingly prepared by them, in Mr. Kremer's name, and transmitted to the committee, founded upon these suggestions. Thus the valiant champion, who had boldly stepped forward, and promised, as a representative of the people, to "cry aloud and spare not," forgot all his gratuitous gallantry and boasted patriotism, and sank at once into profound silence.

With these remarks, I will for the present leave him, and proceed to assign the reasons to you, to whom alone I admit myself to be officially responsible for the vote which I gave on the presidential election. The first inquiry which it behooved me to make was, as to the influence which ought to be exerted on my judgment, by the relative state of the electoral votes which the three returned candidates brought into the House from the colleges. General Jackson obtained ninety-nine, Mr. Adams eighty-four, and Mr. Crawford forty-one. Ought the fact of a plurality being given to one of the candidates to have any, and what, weight? If the Constitution had intended that it should have been decisive, the Constitution would have

made it decisive, and interdicted the exercise of any discretion on the part of the House of Representatives. The Constitution has not so ordained, but, on the contrary, it has provided, that "from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the House of Representatives shall choose, immediately, by ballot, a president." Thus a discretion is necessarily invested in the House; for choice implies examination, comparison, judgment. The fact, therefore, that one of the three persons was the highest returned, not being, by the Constitution of the country, conclusive upon the judgment of the House, it still remains to determine what is the true degree of weight belonging to it? It has been contended that it should operate, if not as an instruction, at least in the nature of one, and that in this form it should control the judgment of the House. But this is the same argument of conclusiveness which the Constitution does not enjoin, thrown into a different but more imposing shape. Let me analyze it. There are certain States, the aggregate of whose electoral votes conferred upon the highest returned candidate, indicate their wish that he should be the president. Their votes amount in number to ninety-nine, out of two hundred and sixty-one electoral votes of the whole Union. These ninety-nine do not, and can not, of themselves, make the president. If the fact of particular States giving ninety-nine votes, can, according to any received notions of the doctrine of instruction, be regarded in that light, to whom are those instructions to be considered addressed? According to that doctrine, the people who appoint, have the right to direct, by their instruction, in certain cases, the course of the representative whom they appoint. The States, therefore, who gave those ninety-nine votes, may in some sense be understood thereby to have instructed their representatives in the House to vote for the person on whom they were bestowed, in the choice of a president. But most clearly the representatives coming from other States, which gave no part of those ninety-nine votes, can not be considered as having been under any obligation to surrender their judgments to those of the States which gave the ninety-nine votes. To contend that they are under such an obligation, would be to maintain that the people of one State have a right to instruct the representatives from another State. It would be to maintain a still more absurd proposition; that in a case where the representatives from a State did not hold themselves instructed and bound by the will of that State, as indicated in its electoral college, the representatives from another State were, nevertheless, instructed and bound by that alien will. Thus the entire vote of North Carolina, and a large majority of that of Maryland, in their respective electoral colleges, were given to one of the three returned candidates, for whom the delegation from neither of those States voted. And yet the argument combated requires that the delegation from Kentucky, who do not represent the people from North Carolina nor Maryland, should be instructed by, and give an effect to, the indicated will of the people of those two States, when their own delegation paid no

attention to it. Doubtless, those delegations felt themselvns authorized to look into the actual composition of, and all other circumstances connected with, the majorities which gave the electoral votes in their respective States; and felt themselves justified, from a view of the whole ground, to act upon their responsibility, and according to their best judgments, disregarding the electoral votes in their States. And are representatives from a different State not only bound by the will of a people of the different commonwealth, but forbidden to examine into the manner by which the expression of that will was brought about—an examination which the immediate representatives themselves feel it their duty to make?

Is the fact, then, of a plurality to have no weight? Far from it. Here are twenty-four communities united under a common government. The expression of the will of any one of them is entitled to the most respectful attention. It ought to be patiently heard and kindly regarded by the others; but it can not be admitted to be conclusive upon them. The expression of the will of ninety-nine out of two hundred and sixty-one electors, is entitled to very great attention, but that will can not be considered as entitled to control the will of one hundred and sixty-two electors who have manifested a different will. To give it such controlling influence, would be a subversion of the fundamental maxim of the republic—that the majority should govern. The will of the ninety-nine can neither be allowed rightfully to control the remaining one hundred and sixty-two, nor any one of the one hundred and sixty-two electoral votes. It may be an argument, a persuasion, addressed to all and each of them, but it is binding and obligatory upon none. It follows, then, that the fact of a plurality was only one among the various considerations which the House was called upon to weigh, in making up its judgment. And the weight of the consideration ought to have been regulated by the extent of the plurality. As between General Jackson and Mr. Adams, the vote standing in the proportions of ninety-nine to eighty-four, it was entitled to less weight; as between the general and Mr. Crawford, it was entitled to more, the vote being as ninety-nine to forty-one. The concession may even be made that, upon the supposition of an equality of pretensions between competing candidates, the preponderance ought to be given to the fact of a plurality.

With these views of the relative state of the vote with which the three returned candidates entered the House, I proceeded to examine the other considerations which belonged to the question. For Mr. Crawford, who barely entered the House, with only four votes more than one candidate not returned, and upon whose case, therefore, the argument derived from the fact of plurality operated with strong, though not decisive force, I have ever felt much personal regard. But I was called upon to perform a solemn public duty, in which my private feelings, whether of affection or aversion, were not to be indulged, but the good of my country only consulted. It appeared to me that the precarious state of that gentleman's

health, although I participated with his best friends in all their regrets and sympathies on account of it, was conclusive against him, to say nothing of other considerations of a public nature, which would have deserved examination if, happily, in that respect he had been differently circumstanced. He had been ill near eighteen months; and, although I am aware that his actual condition was a fact depending upon evidence, and that the evidence in regard to it, which had been presented to the public, was not perfectly harmonious, I judged for myself upon what I saw and heard. He may, and I ardently hope will, recover; but I did not think it became me to assist in committing the executive administration of this great republic, on the doubtful contingency of the restoration to health of a gentleman who had been so long and so seriously afflicted. Moreover, if, under all the circumstances of his situation, his election had been desirable, I did not think it practicable. I believed, and yet believe, that if the votes of the western States, given to Mr. Adams, had been conferred on Mr. Crawford, the effect would have been to protract in the House the decision of the contest, to the great agitation and distraction of the country, and possibly to defeat an election altogether; the very worst result I thought that could happen. It appeared to me, then, that, sooner or later, we must arrive at the only practical issue of the contest before us, and that was between Mr. Adams and General Jackson, and I thought that the earlier we got there, the better for the country, and for the House.

In considering this only alternative, I was not unaware of your strong desire to have a western president; but I thought that I knew enough of your patriotism and magnanimity, displayed on so many occasions, to believe that you could rise above the mere gratification of sectional pride, if the common good of the whole required you to make the sacrifice of local partiality. I solemnly believed it did, and this brings me to the most important consideration which belonged to the whole subject—that arising out of the respective fitness of the only two real competitors, as it appeared to my best judgment.

In speaking of General Jackson, I am aware of the delicacy and respect which are justly due to that distinguished citizen. It is far from my purpose to attempt to disparage him. I could not do it if I were capable of making the attempt; but I shall nevertheless speak of him as becomes me with truth. I did not believe him so competent to discharge the various, intricate, and complex duties of the office of chief magistrate, as his competitor. He has displayed great skill and bravery, as a military commander, and his own renown will endure as long as the means exist of preserving a recollection of human transactions. But to be qualified to discharge the duties of President of the United States, the incumbent must have more than mere military attainments—he must be a STATESMAN. An individual may be a gallant and successful general, an eminent lawyer, an eloquent divine, a learned physician, or an accomplished artist; and doubtless the union of all these characters in the person of a chief

magistrate would be desirable, but no one of them, nor all combined, will qualify him to be president, unless he superadds that indispensable requisite of being a statesman. Far from meaning to say that it is an objection to the elevation to the chief magistracy of any person that he is a military commander, if he unites the other qualifications, I only intend to say that whatever may be the success or splendor of his military achievements, if his qualifications be only military, that is an objection, and I think a decisive objection, to his election. If General Jackson has exhibited, either in the councils of the Union, or in those of his own State, or in those of any other State or Territory, the qualities of a statesman, the evidence of the fact has escaped my observation. It would be as painful as it is unnecessary, to recapitulate some of the incidents, which must be fresh in your recollection, of his public life. But I was greatly deceived in my judgment if they proved him to be endowed with that prudence, temper, and discretion, which are necessary for civil administration. It was in vain to remind me of the illustrious example of Washington. There was in that extraordinary person united, a serenity of mind, a cool and collected wisdom, a cautious and deliberate judgment, a perfect command of the passions, and throughout his whole life, a familiarity and acquaintance with business, and civil transactions, which rarely characterize any human being. No man was ever more deeply penetrated than he was, with profound respect for the safe and necessary principle of the entire subordination of the military to the civil authority. I hope I do no injustice to General Jackson when I say that I could not recognize in his public conduct those attainments, for both civil government and military command, which cotemporaries and posterity have alike unanimously concurred in awarding as yet only to the father of his country. I was sensible of the gratitude which the people of this country justly feel toward General Jackson, for his brilliant military services. But the impulses of public gratitude should be controlled, as it appeared to me, by reason and discretion, and I was not prepared blindly to surrender myself to the hazardous indulgence of a feeling, however amiable and excellent that feeling may be, when properly directed. It did not seem to me to be wise or prudent, if, as I solemnly believe, General Jackson's competency for the office was highly questionable, that he should be placed in a situation where neither his fame nor the public interests would be advanced. General Jackson himself would be the last man to recommend or vote for any one for a place for which he thought him unfit. I felt myself sustained by his own reasoning, in his letter to Mr. Monroe, in which, speaking of the qualifications of our venerable Shelby for the Department of War, he remarked: "I am compelled to say to you, that the acquirements of this worthy man are not competent to the discharge of the multiplied duties of this Department. I therefore hope he may not accept the appointment. I am fearful, if he does, he will not add much splendor to his present well-earned standing as a public character." Such was my opinion

of General Jackson, in reference to the presidency. His conviction of Governor Shelby's unfitness, by the habits of his life, for the appointment of Secretary of War, were not more honest nor stronger than mine were of his own want of experience, and the necessary civil qualifications to discharge the duties of a President of the United States. In his elevation to this office, too, I thought I perceived the establishment of a fearful precedent; and I am mistaken in all the warnings of instructive history, if I erred in my judgment. Undoubtedly there are other and many dangers to public liberty, besides that which proceeds from military idolatry; but I have yet to acquire the knowledge of it, if there be one more perilous or more frequent.

Whether Mr. Adams would or would not have been my choice of a president, if I had been left freely to select from the whole mass of American citizens, was not the question submitted to my decision. I had no such liberty; but I was circumscribed, in the selection I had to make, to one of the three gentlemen whom the people themselves had thought proper to present to the House of Representatives. Whatever objections might be supposed to exist against him, still greater appeared to me to apply to his competitor. Of Mr. Adams it is but truth and justice to say, that he is highly gifted, profoundly learned, and long and greatly experienced in public affairs, at home and abroad. Intimately conversant with the rise and progress of every negotiation with foreign powers, pending or concluded; personally acquainted with the capacity and attainments of most of the public men of this country, whom it might be proper to employ in the public service; extensively possessed of much of that valuable kind of information which is to be acquired neither from books nor tradition, but which is the fruit of largely participating in public affairs; discreet and sagacious, he would enter upon the duties of the office with great advantages. I saw in his election the establishment of no dangerous example. I saw in it, on the contrary, only conformity to the safe precedents which had been established in the instances of Mr. Jefferson, Mr. Madison, and Mr. Monroe, who had respectively filled the same office from which he was to be translated.

A collateral consideration of much weight, was derived from the wishes of the Ohio delegation. A majority of it, during the progress of the session, made up their opinions to support Mr. Adams, and they were communicated to me. They said, "Ohio supported the candidate who was the choice of Kentucky. We failed in our common exertions to secure his election. Now, among those returned, we have a decided preference, and we think you ought to make some sacrifice to gratify us." Was not much due to our neighbor and friend?

I considered, with the greatest respect, the resolution of the General Assembly of Kentucky, requesting the delegation to vote for General Jackson. That resolution, it is true, placed us in a peculiar situation. While every other delegation, from every other State in the Union, was

left by its Legislature entirely free to examine the pretensions of all the candidates, and to form its unbiased judgment, the General Assembly of Kentucky thought proper to interpose, and request the delegation to give its vote to one of the candidates, whom they were pleased to designate. I felt a sincere desire to comply with a request emanating from a source so respectable, if I could have done so consistently with those paramount duties which I owed to you and to the country. But, after full and anxious consideration, I found it incompatible with my best judgment of those duties, to conform to the request of the General Assembly. The resolution asserts, that it was the wish of the people of Kentucky, that their delegation should vote for the general. It did not inform me by what means that body had arrived at a knowledge of the wish of the people. I knew that its members had repaired to Frankfort before I departed from home to come to Washington. I knew that their attention was fixed on important local concerns, well entitled, by their magnitude, exclusively to engross it. No election, no general expression of the popular sentiment, had occurred since that in November, when electors were chosen, and at that the people, by an overwhelming majority, had decided against General Jackson. I could not see how such an expression against him could be interpreted into that of a desire for his election. If, as is true, the candidate whom they preferred was not returned to the House, it is equally true that the state of the contest, as it presented itself here to me, had never been considered, discussed, and decided by the people of Kentucky, in their collective capacity. What would have been their decision on this new state of the question, I might have undertaken to conjecture, but the certainty of any conclusion of fact, as to their opinion, at which I could arrive, was by no means equal to that certainty of conviction of my duty to which I was carried by the exertion of my best and most deliberate reflections. The letters from home, which some of the delegation received, expressed the most opposite opinions, and there were not wanting instances of letters from some of the very members, who had voted for that resolution, advising a different course. I received from a highly respectable portion of my constituents a paper, instructing me as follows:

"We, the undersigned voters in the congressional district, having viewed the instruction or request of the Legislature of Kentucky, on the subject of choosing a president and vice-president of the United States, with regret, and the said request or instruction to our representative in Congress from this district being without our knowledge or consent, we, for many reasons known to ourselves, connected with so momentous an occasion, hereby instruct our representative in Congress to vote on this occasion agreeably to his own judgment, and the best lights he may have on the subject, with or without the consent of the Legislature of Kentucky."

This instruction came both unexpectedly and unsolicited by me, and it was accompanied by letters assuring me that it expressed the opinion of

a majority of my constituents. I could not, therefore, regard the resolution as conclusive evidence of your wishes.

Viewed as a mere request, as it purported to be, the General Assembly doubtless had the power to make it. But, then, with deference, I think it was worthy of serious consideration, whether the dignity of the General Assembly ought not to have induced it to forbear addressing itself, not to another legislative body, but to a small part of it, and requesting the members who composed that part, in a case which the Constitution had confided to them, to vote according to the wishes of the General Assembly, whether those wishes did or did not conform to their sense of duty. I could not regard the resolution as an instruction; for, from the origin of our State, its Legislature has never assumed or exercised the right to instruct the representatives in Congress. I did not recognize the right, therefore, of the Legislature, to instruct me. I recognized that right only when exerted by you. That the portion of the public servants who made up the General Assembly, have no right to instruct that portion of them who constituted the Kentucky delegation in the House of Representatives, is a proposition too clear to be argued. The members of the General Assembly would have been the first to behold as a presumptuous interposition, any instruction, if the Kentucky delegation could have committed the absurdity to issue, from this place, any instruction to them to vote in a particular manner on any of the interesting subjects which lately engaged their attention at Frankfort. And although nothing is further from my intention than to impute either absurdity or presumption to the General Assembly, in the adoption of the resolution referred to, I must say, that the difference between an instruction emanating from them to the delegation, and from the delegation to them, is not in the principle, but is to be found only in the degree of superior importance which belongs to the General Assembly.

Entertaining these views of the election on which it was made my duty to vote, I felt myself bound, in the exercise of my best judgment, to prefer Mr. Adams; and I accordingly voted for him. I should have been highly gratified if it had not been my duty to vote on the occasion; but that was not my situation, and I did not choose to shrink from any responsibility which appertained to your representative. Shortly after the election, it was rumored that Mr Kremer was preparing a publication, and the preparations which were making excited much expectation. Accordingly, on the twenty-sixth of February, the address, under his name, to the "electors of the ninth congressional district of the State of Pennsylvania," made its appearance in the Washington City Gazette. No member of the House I am persuaded, believed that Mr. Kremer ever wrote one paragraph of that address, or of the plea, which was presented to the committee, to the jurisdiction of the House. Those who counseled him, and composed both papers, and their purposes, were just as well known as the author of any report from a committee to the House. The first observation which is

called for by the address is the place of its publication. That place was in this city, remote from the center of Pennsylvania, near which Mr. Kremer's district is situated, and in a paper having but a very limited, if any circulation in it. The time is also remarkable. The fact that the president intended to nominate me to the Senate for the office which I now hold, in the course of a few days, was then well known, and the publication of the address, was, no doubt, made less with an intention to communicate information to the electors of the ninth congressional district of Pennsylvania than to affect the decision of the Senate on the intended nomination. Of the character and contents of that address of Messrs. George Kremer & Co., made up, as it is, of assertion without proof, of inferences without premises, and of careless, jocose, and quizzing conversations of some of my friends, to which I was no party, and of which I had never heard, it is not my intention to say much. It carried its own refutation, and the parties concerned saw its abortive nature the next day, in the indignant countenance of every unprejudiced and honorable member. In his card, Mr. Kremer has been made to say, that he held himself ready "to prove, to the satisfaction of unprejudiced minds, enough to satisfy them of the accuracy of the statements which are contained in that letter, to the extent that they concerned the course of conduct of H. Clay." The object for excluding my friends from this pledge has been noticed. But now the election was decided, and there no longer existed a motive for discrimination between them and me. Hence the only statements that are made, in the address, having the semblance of proof, relate rather to them than to me; and the design was, by establishing something like facts upon them, to make those facts react upon me.

Of the few topics of the address upon which I shall remark, the first is the accusation brought forward against me, of violating instructions. If the accusation were true, who was the party offended, and to whom was I amenable? If I violated any instructions, they must have been yours, since you only had the right to give them, and to you alone was I responsible. Without allowing hardly time for you to hear of my vote, without waiting to know what your judgment was of my conduct, George Kremer & Co. chose to arraign me before the American public as the violator of instructions which I was bound to obey. If, instead of being, as you are and I hope always will be, vigilant observers of the conduct of your public agents, jealous of your rights, and competent to protect and defend them, you had been ignorant and culpably confiding, the gratuitous interposition as your advocate, of the honorable George Kremer, of the ninth congressional district in Pennsylvania, would have merited your most grateful acknowledgments. Even upon that supposition, his arraignment of me would have required for its support one small circumstance, which happens not to exist, and that is, the fact of your having actually instructed me to vote according to his pleasure.

The relations in which I stood to Mr. Adams constitute the next theme

of the address, which I shall notice. I am described as having assumed "a position of peculiar and decided hostility to the election of Mr. Adams," and expressions toward him are attributed to me, which I never used. I am also made responsible for "pamphlets and essays of great ability," published by my friends in Kentucky in the course of the canvass. The injustice of the principle of holding me thus answerable, may be tested by applying it to the case of General Jackson, in reference to publications issued, for example, from the Columbia Observer. That I was not in favor of the election of Mr. Adams, when the contest was before the people, is most certain. Neither was I in favor of that of Mr. Crawford or General Jackson. That I ever did any thing against Mr. Adams, or either of the other gentlemen, inconsistent with a fair and honorable competition, I utterly deny. My relations to Mr. Adams have been the subject of much misconception, if not misrepresentation. I have been stated to be under a public pledge to expose some nefarious conduct of that gentleman, during the negotiation at Ghent, which would prove him to be entirely unworthy of public confidence; and that, with the knowledge of his perfidy, I nevertheless voted for him. If these imputations are well founded, I should indeed, be a fit object of public censure; but if, on the contrary, it shall be found that others, inimical both to him and to me, have substituted their own interested wishes for my public promises, I trust that the indignation which they would excite, will be turned from me.

My, letter, addressed to the editors of the Intelligencer, under date of the 15th of November, 1822, is made the occasion for ascribing to me the promise and the pledge to make those treasonable disclosures on Mr. Adams. Let that letter speak for itself, and it will be seen how little justice there is for such an assertion. It adverts to the controversy which had arisen between Messrs. Adams and Russell, and then proceeds to state that, "in the course of several publications, of which it has been the occasion, and particularly in the appendix to a pamphlet, which had been recently published by the honorable John Quincy Adams, I think there are some errors, no doubt unintentional, both as to matters of fact and matters of opinion, in regard to the transactions at Ghent, relating to the navigation of the Mississippi, and certain liberties claimed by the United States in the fisheries, and to the part which I bore in those transactions. Those important interests are now well secured." "An account, therefore, of what occurred in the negotiation at Ghent, on those two subjects, is not, perhaps, necessary to the present or future security of any of the rights of the nation, and is only interesting as appertaining to its past history. With these impressions, and being extremely unwilling to present myself, at any time, before the public, I had almost resolved to remain silent, and thus expose myself to the inference of an acquiescence in the correctness of all the statements made by both my colleagues; but I have, on more reflection, thought it may be expected of me, and be considered as a duty on my part, to contribute all in my power toward a full and faithful un

derstanding of the transactions referred to. Under this conviction, I will, at some future period, more propitious than the present to calm and dispassionate consideration, and when there can be no misinterpretation of motives, lay before the public a narrative of those transactions, as I understood them."

From even a careless perusal of that letter, it is apparent, that the only two subjects of the negotiations at Ghent, to which it refers, were the navigation of the Mississippi, and certain fishing liberties; that the errors which I had supposed were committed, applied to both Mr. Russell and Mr. Adams, though more particularly to the appendix of the latter; that they were unintentional; that they affected myself principally; that I deemed them of no public importance, as connected with the then, or future security of any of the rights of the nation, but only interesting to its past history; that I doubted the necessity of my offering to the public any account of those transactions; and that the narrative which I promised was to be presented at a season of more calm, and when there could be no misinterpretation of motives. Although Mr. Adams believes otherwise, I yet think there are some unintentional errors in the controversial papers between him and Mr. Russell. But I have reserved to myself an exclusive right of judging when I shall execute the promise which I have made, and shall be neither quickened nor retarded in its performance by the friendly anxieties of any of my opponents.

If injury accrue to any one by the delay in publishing the narrative, the public will not suffer by it. It is already known by the publication of the British and American projets, the protocols, and the correspondence between the respective plenipotentiaries, that the British government made at Ghent a demand of the navigation of the Mississippi, by an article in their projet nearly in the same words as those which were employed in the treaty of 1783; that a majority of the American Commissioners was in favor of acceding to that demand, upon the condition that the British government would concede to us the same fishing liberties within their jurisdiction, as were secured to us by the same treaty of 1783; and that both demands were finally abandoned. The fact of these mutual propositions was communicated by me to the American public in a speech which I delivered in the House of Representatives, on the 29th day of January, 1816. Mr. Hopkinson had arrainged the terms of the treaty of peace, and charged upon the war and the administration the loss of the fishing liberties, within the British jurisdiction, which we enjoyed prior to the war. In vindicating, in my reply to him, the course of the government, and the conditions of the peace, I stated:

"When the British commissioners demanded, in their project, a renewal to Great Britain of the right of the navigation of the Mississippi, secured by the treaty of 1783, a bare majority of the American commissioners offered to renew it, upon the condition that the liberties in question were renewed to us. I was

not one of that majority. I will not trouble the committee with my reasons for being opposed to the offer. A majority of my colleagues, actuated, I believe, by the best motives, made, however, the offer, and it was refused by the British commissioners."

And what I thought of my colleagues of the majority, appears from the same extract. The spring after the termination of the negotiations at Ghent, I went to London, and entered upon a new and highly important negotiation with two of them (Messrs. Adams and Gallatin), which resulted, on the third day of July, 1815, in the commercial convention, which has been since made the basis of most of our commercial arrangements with foreign powers. Now, if I had discovered at Ghent, as has been asserted, that either of them was false and faithless to his country, would I have voluntarily commenced with them another negotiation? Further: there never has been a period, during our whole acquaintance, that Mr. Adams and I have not exchanged, when we have met, friendly salutations, and the courtesies and hospitalities of social intercourse.

The address proceeds to characterize the support which I gave to Mr. Adams as unnatural. The authors of the address have not stated why it is unnatural, and we are therefore left to conjecture their meaning. Is it because Mr. Adams is from New England, and I am a citizen of the West? If it be unnatural in the western States to support a citizen of New England, it must be equally unnatural in the New England States to support a citizen of the West. And, on the same principle, the New England States ought to be restrained from concurring in the election of a citizen of the southern States, or the southern States from co-operating in the election of a citizen of New England. And, consequently, the support which the last three presidents have derived from New England, and that which the vice-president recently received has been most unnaturally given. The tendency of such reasoning would be to denationalize us, and to contract every part of the Union within the narrow, selfish limits of its own section. It would be still worse; it would lead to the destruction of the Union itself. For if it be unnatural in one section to support a citizen in another, the Union itself must be unnatural; all our ties, all our glories, all that is animating in the past, all that is bright and cheering in the future, must be unnatural. Happily, such is the admirable texture of our Union, that the interests of all its parts are closely interwoven. If there are strong points of affinity between the South and the West, there are interests of not less, if not greater strength and vigor binding the West, and the North, and the East.

Before I close this address, it is my duty, which I proceed to perform with great regret, on account of the occasion which calls for it, to invite your attention to a letter, addressed by General Jackson to Mr. Swartwout, on the 23d day of February last. The names of both the general and myself had been before the American public for its highest office. We had both been unsuccessful. The unfortunate have usually some sympathy for

each other. For myself, I claim no merit for the cheerful acquiescence which I have given in a result by which I was excluded from the House. I have believed that the decision by the constituted authorities, in favor of others, has been founded upon a conviction of the superiority of their pretensions. It has been my habit, when an election is once decided, to forget, as soon as possible, all the irritating circumstances which attended the preceding canvass. If one be successful he should be content with his success. If he have lost it, railing will do no good. I never gave General Jackson nor his friends any reason to believe that I would, in any contingency, support him. He had, as I thought, no public claims, and, I will now add, no personal claims, if these ought to be ever considered, to my support. No one, therefore, ought to have been disappointed or chagrined that I did not vote for him, no more than I was neither surprised nor disappointed that he did not, on a more recent occasion, feel it to be his duty to vote for me. After commenting upon a particular phrase used in my letter to Judge Brooke, a calm reconsideration of which will, I think, satisfy any person that it was not employed in an offensive sense, if indeed it have an offensive sense, the general, in his letter to Mr. Swartwout, proceeds to remark: "No one beheld me seeking, through art or management, to entice any representative in Congress from a conscientious responsibility of his own, or the wishes of his constituents. No midnight taper burned by me; no secret conclaves were held, nor cabals entered into to persuade any one to a violation of pledges given, or of instructions received. By me no plans were concerted to impair the pure principles of our republican institutions, nor to prostrate that fundamental maxim which maintains the supremacy of the people's will. On the contrary, having never in any manner, before the people or Congress, interfered in the slightest degree with the question, my conscience stands void of offense, and will go quietly with me, regardless of the insinuations of those who, through management, may seek an influence not sanctioned by integrity and merit." I am not aware that this defense of himself was rendered necessary by any charges brought forward against the general. Certainly I never made any such charges against him. I will not suppose that, in the passage cited, he intended to impute to me the misconduct which he describes, and yet, taking the whole context of his letter together, and coupling it with Mr. Kremer's address, it can not be disguised that others may suppose he intended to refer to me. I am quite sure that if he did, he could not have formed those unfavorable opinions of me upon any personal observation of my conduct made by himself; for a supposition that they were founded upon his own knowledge, would imply that my lodgings and my person had been subjected to a system of espionage wholly incompatible with the open, manly, and honorable conduct of a gallant soldier. If he designed any insinuations against me, I must believe that he made them upon the information of others, of whom I can only say that they have deceived his credulity, and are entirely unworthy of all credit. I entered into no cabals; I held no

secret conclaves; I enticed no man to violate pledges given or instructions received. The members from Ohio, and from the other western States, with whom I voted, were all of them as competent as I was to form an opinion on the pending election. The McArthurs and the Metcalfs, and the other gentlemen from the West (some of whom have, if I have not, bravely "made an effort to, repel an invading foe"), are as incapable of dishonor as any men breathing; as disinterested, as unambitious, as exclusively devoted to the bests interests of their country. It was quite as likely that I should be influenced by them as that I could control their votes. Our object was not to impair, but to preserve from all danger the purity of our republican institutions. And how I prostrated the maxim which maintains the supremacy of the people's will I am entirely at a loss to comprehend. The illusions of the general's imagination deceive him. The people of the United States had never decided the election in his favor. If the people had willed his election, he would have been elected. It was because they had not willed his election, nor that of any other candidate, that the duty of making a choice devolved on the House of Representatives. The general remarks:

"Mr. Clay has never yet risked himself for his country. He has never sacrificed his repose, nor made an effort to repel an invading foe; of course his conscience assured him it was altogether wrong in any other man to lead his countrymen to battle and victory."

The logic of this conclusion is not very striking. General Jackson fights better than he reasons. When have I failed to concur in awarding appropriate honors to those who, on the sea or on the land, have sustained the glory of our arms, if I could not always approve of the acts of some of them? It is true that it has been my misfortune never to have repelled an invading foe, nor to have led my countrymen to victory. If I had, I should have left to others to proclaim and appreciate the deed. The general's destiny and mine have led us in different directions. In the civil employments of my country, to which I have been confined, I regret that the little service which I have been able to render it falls far short of my wishes. But why this denunciation of those who have not repelled an invading foe, or led our armies to victory? At the very moment when he is inveighing against an objection to his election to the presidency, founded upon the exclusive military nature of his merits, does he not perceive that he is establishing its validity by proscribing every man who has not successfully fought the public enemy; and that, by such a general proscription, and the requirement of successful military service as the only condition of civil preferment, the inevitable effect would be the ultimate establishment of a military government?

If the contents of the letter to Mr. Swartwout, were such as justly to excite surprise, there were other circumstances not calculated to diminish it. Of all the citizens of the United States, that gentleman is one of the last to whom it was necessary to address any vindication of General Jack-

son. He had given abundant evidence of his entire devotion to the cause of the general. He was here after the election, and was one of a committee who invited the general to a public dinner, proposed to be given to him in this place. My letter to Judge Brooke was published in the papers of this city on the 12th of February. The general's note, declining the invitation of Messrs. Swartwout and others, was published on the 14th, in the National Journal. The probability, therefore, is that he did not leave this city until after he had a full opportunity to receive, in a personal interview with the general, any verbal observations upon it which he might have thought proper to make. The letter to Mr. Swartwout, bears date the 23d of February. If received by him in New York, it must have reached him, in the ordinary course of mail, on the 25th or 26th. Whether intended or not as a "private communication," and not for the "public eye," as alleged by him, there is much probability in believing that its publication in New York, on the 4th of March, was then made, like Mr. Kremer's address, with the view to its arrival in this city in time to affect my nomination to the Senate. In point of fact, it reached here the day before the Senate acted on that nomination.

Fellow-citizens, I am sensible that, generally, a public officer had better abstain from any vindication of his conduct, and leave it to the candor and justice of his countrymen, under all its attending circumstances. Such has been the course which I have heretofore prescribed to myself. This is the first, as I hope it may be the last, occasion of my thus appearing before you. The separation which has just takan place between us, and the venom, if not the vigor of the late onsets upon my public conduct, will, I hope, be allowed in this instance to form an adequate apology. It has been upward of twenty years since I first entered the public service. Nearly three fourths of that time, with some intermissions, I have represented the same district in Congress, with but little variation in its form. During that long period, you have beheld our country passing through scenes of peace and war, of prosperity and adversity, and of party divisions, local and general, often greatly exasperated against each other. I have been an actor in most of those scenes. Throughout the whole of them, you have clung to me with an affectionate confidence which has never been surpassed. I have found in your attachment, in every embarrassment in my public career, the greatest consolation, and the most encouraging support. I should regard the loss of it as one of the most afflicting public misfortunces which could befall me. That I have often misconceived your true interests, is highly probable. That I have ever sacrificed them to the object of personal aggrandizement, I utterly deny. And, for the purity of my motives, however in other respects I may be unworthy to approach the throne of grace and mercy, I appeal to the justice of my God, with all the confidence which can flow from a consciousness of perfect rectitude.

ON THE PRESIDENTIAL ELECTION OF 1825.

LEWISBURG, VIRGINIA, AUGUST 30, 1826.

[THE preliminary correspondence which led to the following speech, will indicate the circumstances and the occasion. It is virtually an amplification of the previously-recorded address of Mr. Clay to his constituents, but touches more on the policy of the new administration than personal matters. As the persecution of Mr. Clay by General Jackson and his party was rampant at this time, and continued in aggravated forms during the administration of Mr. Adams, whenever he spoke in public it was natural and unavoidable that he should allude to this state of things. This invitation to Lewisburg was occasioned by a feeling of sympathy with Mr. Clay, as well as by admiration of his talents and character. It was, doubtless, mutually agreeable to the parties—the guest and the entertainers—and gave Mr. Clay an opportunity to say something of the administration of which he was a member, and which was assailed by the Jackson party, already at war with it.]

Lewisburg, August 23d, 1826.

THE HONORABLE HENRY CLAY:

Sir, at a meeting of a respectable number of the inhabitants of Lewisburg and its vicinity, convened in the court-house on the 22d instant, it was unanimously determined to greet your arrival among them by some public demonstration of the respect which they in common with a great portion of the community feel toward one of their most distinguished fellow-citizens. It was therefore unanimously resolved, as the most eligible means of manifesting their feelings, to request the honor of your presence at a public dinner to be given at the tavern of Mr. Frazer, in the town of Lewisburg, on Wednesday the 30th instant.

In pursuance of the above measures, we, as a committee, have been appointed to communicate their resolutions and solicit a compliance with their invitation. In performing this agreeable duty, we can not but express our admiration of the uniform course which, during a long political career, you have pursued with so much honor to yourself and country. Although the detractions of envy, and the violence of party feeling have endeavored to blast your fair reputation, and destroy the confidence reposed in you by the citizens of the United States, we rejoice to inform you, that the people of the western part of

that State which claims you as one of its most gifted sons, still retain the same high feeling of respect, which they have always manifested, in spite of the maledictions and bickerings of disappointed editors and interested politicians. We can not close our communication without hailing you as one of the most distinguished advocates of that system of internal improvement which has already proved so beneficial to our country, and which at no distant period will make even these desert mountains to blossom as the rose.

We have the honor to subscribe ourselves, yours with esteem,

J. G. M'Clenachen, John Beirne,
James M'Laughlin, J. A. North,
J. F. Caldwell, Henry Erskine.

White Sulphur Springs, 24th August, 1826.

Gentlemen, I have received the note which you did me the honor on yesterday to address to me, inviting me, in behalf of a respectable number of the citizens of Lewisburg and its vicinity, to a public dinner at Mr. Frazer's tavern, on Wednesday next, which they have the goodness to propose, in consequence of my arrival among them as a manifestation of their respect. Such a compliment was most unexpected by me on a journey to Washington, by this route, recommended to my choice by the pure air of a mountain region, and justly-famed mineral waters, a short use of which I hoped might contribute to the perfect re-establishment of my health. The gratification which I derive from this demonstration of kindness and confidence, springs in no small degree, from the consideration that it is the spontaneous testimony of those with whom I share a common origin, in a venerated State, endeared to me by an early tie of respect and affection, which no circumstance can ever dissolve. In communicating to that portion of the citizens of Lewisburg and its vicinity, who have been pleased thus to favor me, by their distinguished notice, my acceptance of their hospitable invitation, I pray you to add my profound acknowledgments. And of the friendly and flattering manner in which you conveyed it, and for the generous sympathy, characteristic of Virginia, which you are so obliging as to express, on account of the detractions of which I have been the selected object, and the meditated victim, be assured that I shall always retain a lively and grateful remembrance.

I am, gentlemen, with great esteem and regard, faithfully, your obedient servant,

Henry Clay.

Messrs. M'Clenachen, North, M'Laughlin, Caldwell, Beirne, and Erskine, etc., etc.

TOAST

Seventh. *Our distinguished guest, Henry Clay*—the statesman, orator, patriot, and philanthropist: his splendid talents shed luster on his native State, his eloquence is an ornament to his country.

When this toast was drunk, Mr. Clay rose, and said, that he had never before felt so intensely the want of those powers of eloquence which had been erroneously ascribed to him. He hoped, however, that in his plain and unaffected language he might be allowed, without violating any established usage which prevails here, to express his grateful sensibility, ex

cited by the sentiment with which he had been honored, and for the kind and respectful consideration of him manifested on the occasion which had brought them together. In passing through my native State, said he, toward which I have ever borne, and shall continue, in all vicissitudes, to cherish, the geatest respect and affection, I expected to be treated with its accustomed courtesy and private hospitality. But I did not anticipate that I should be the object of such public, distinguished, and cordial manifestations of regard. In offering you my poor and inadequate return of my warm and respectful thanks, I pray you to believe that I shall treasure up these testimonies among the most gratifying reminiscences of my life. The public service which I have rendered my country, your too favorable opinion of which has prompted you to exhibit these demonstrations of your esteem, has fallen far below the measure of usefulness, which I should have been happy to have filled. I claim for it only the humble merit of pure and patriotic intention. Such as it has been, I have not always been fortunate enough to give satisfaction to every section and to all the great interests of our country.

When an attempt was made to impose upon a new State, about to be admitted into the Union, restrictions, incompatible, as I thought with her coequal sovereign power, I was charged in the North with being too partial to the South, and as being friendly to that unfortunate condition of slavery, of the evils of which none are more sensible than I am.

At another period, when I believed that the industry of this country required some protection against the selfish and contracted legislation of foreign powers, and to constitute it a certain and safe source of supply, in all exigences; the charge against me was transposed, and I was converted into a foe of southern, and an infatuated friend of northern and western interests.

There were not wanting persons in every section of the Union, in another stage of our history, to accuse me with rashly contributing to the support of a war, the only alternative left to our honor by the persevering injustice of a foreign nation. These contradictory charges and perverted views gave me no concern, because I was confident that time and truth would prevail over all misconceptions, and because they did not impeach my public integrity. But I confess I was not prepared to expect the aspersions which I have experienced on account of a more recent discharge of public duty. My situation on the occasion to which I refer, was most peculiar and extraordinary, unlike that of any other American citizen. One of the three candidates for the presidency presented to the choice of the House of Representatives, was out of the question, for notorious reasons now admitted by all. Limited as the competition was to the other two, I had to choose between a statesman long experienced at home and abroad in numerous civil situations, and a soldier, brave, gallant, and successful, but a mere soldier, who, although he had also filled several civil offices,

had quickly resigned them all, frankly acknowledging, in some instances, his incompetency to discharge their duties.

It has been said that I had some differences with the present chief magistrate at Ghent. It is true that we did not agree on one of the many important questions which arose during the negotiations in that city, but the difference equally applied to our present minister at London and to the lamented Bayard, between whom and myself, although we belonged to opposite political parties, there existed a warm friendship to the hour of his death. It was not of a nature to prevent our co-operation together in the public service, as is demonstrated by the convention at London subsequently negotiated by Messrs. Adams, Gallatin, and myself. It was a difference of opinion on a point of expediency, and did not relate to any constitutional or fundamental principle. But with respect to the conduct of the distinguished citizen of Tennessee, I had solemnly expressed, under the highest obligations, opinions, which, whether right or wrong, were sincerely and honestly entertained, and are still held. These opinions related to a military exercise of power believed to be arbitrary and unconstitutional. I should have justly subjected myself to the grossest inconsistency, if I had given him my suffrage. I thought if he were elected, the sword and the Constitution, bad companions, would be brought too near together. I could not have foreseen that, fully justified as I have been by those very constituents, in virtue of whose authority I exerted the right of free suffrage, I should nevertheless be charged with a breach of duty and corruption by strangers to them, standing in no relation to them but that of being citizens of other States, members of the confederacy. It is in vain that these revilers have been called upon for their proofs; have been defied, and are again invited, to enter upon any mode of fair investigation and trial; shrinking from every impartial examination, they persevere, with increased zeal, in the propagation of calumny, under the hope of supplying by the frequency and boldness of asseveration, the want of truth and the deficiency of evidence; until we have seen the spectacle exhibited of converting the hall of the first legislative assembly upon earth, on the occasion of discussions which above all others should have been characterized by dignity, calmness, and temperance, into a theater for spreading suspicions and groundless imputations against an absent and innocent individual.

Driven from every other hold, they have seized on the only plank left within their grasp, that of my acceptance of the office of Secretary of State, which has been asserted to be the consummation of a previous corrupt arrangement. What can I oppose to such an assertion, but positive, peremptory, and unqualified denial, and a repetition of the demand for proof and trial? The office to which I have been appointed is that of the country, created by it, and administered for its benefit. In deciding whether I should accept it or not, I did not take counsel from those who, foreseeing the probability of my designation for it, sought to deter me from its accept-

ance by fabricating anticipated charges, which would have been preferred with the same zeal and alacrity, however I might have decided. I took counsel from my friends, from my duty, from my conscious innocence of unworthy and false imputations. I was not left at liberty by either my enemies or my friends to decline the office. I would willingly have declined it from an unaffected distrust of my ability to perform its high duties, if I could have honorably declined it. I hope the uniform tenor of my whole public life will protect me against the supposition of any unreasonable avidity for public employment. During the administration of that illustrious man, to whose civil services more than to those of any other American patriot, living or dead, this country is indebted for the blessings of its present Constitution, now more than ten years ago, the mission to Russia, and a place in his cabinet, were successively offered me. A place in his cabinet, at that period of my life, was more than equivalent to any place under any administration at my present more advanced age. His immediate successor tendered to me the same place in his cabinet, which he anxiously urged me to accept, and the mission to England. Gentlemen, I hope you will believe that far from being impelled by any vain or boastful spirit, to mention these things, I do it with humility and mortification.

If I had refused the Department of State, the same individuals who now, in the absence of all proof, against all probability, and in utter disregard of all truth, proclaim the existence of a corrupt previous arrangement, would have propagated the same charge with the same affected confidence which they now unblushingly assume. And it would have been said, with at least much plausibility, that I had contributed to the election of a chief magistrate, of whom I thought so unfavorably that I would not accept that place in his cabinet which is generally regarded as the first. I thought it my duty, unawed by their denunciations, to proceed in the office assigned me by the president and Senate, to render the country the best service of which my poor abilities are capable. If this administration should show itself unfriendly to American liberty and to free and liberal institutions; if it should be conducted upon a system adverse to those principles of public policy, which I have ever endeavored to sustain, and I should be found still clinging to office; then nothing which could be said by those who are inimical to me, would be undeserved.

But the president ought not to have appointed one who had voted for him. Mr. Jefferson did not think so, who called to his cabinet a gentleman who had voted for him in the most warmly contested election that has ever occurred in the House of Representatives, and who appointed to other highly important offices other members of the same House, who voted for him. Mr. Madison did not think so, who did not feel himself restrained from sending me on a foreign service, because I had supported his election. Mr. Monroe did not think so, who appointed in his cabinet a gentleman, now filling the second office in the government, who attended the

caucus that nominated and warmly and efficiently espoused his election. But, suppose the president acted upon the most disinterested doctrine which is now contended for by those who opposed his election, and were to appoint to public office from their ranks only, to the entire exclusion of those who voted for him, would he then escape their censure? No! we have seen him charged, for that equal distribution of the public service among every class of citizens, which has hitherto characterized his administration, with the nefarious purpose of buying up portions of the community. A spirit of denunciation is abroad. With some, condemnation, right or wrong, is the order of the day. No matter what prudence and wisdom may stamp the measures of the administration, no matter how much the prosperity of the country may be advanced, or what public evils may be averted, under its guidance, there are persons who would make general, indiscriminate, and interminable opposition. This is not a fit occasion, nor perhaps am I a fit person, to enter upon a vindication of its measures. But I hope I shall be excused for asking what measure of domestic policy has been proposed or recommended by the present executive, which has not its prototype in previous acts or recommendations of administrations at the head of which was a citizen of Virginia? Can the liberal and high-minded people of this State condemn measures emanating from a citizen of Massachusetts, which, when proposed by a Virginian, commanded their express assent or silent acquiescence, or to which, if in any instance they made opposition, it was respectful, limited, and qualified? The present administration desires only to be judged by its measures, and invites the strictest scrutiny and the most watchful vigilance on the part of the public.

With respect to the Panama mission, it is true that it was not recommended by any preceding administration, because the circumstances of the world were not then such as to present it as a subject for discussion. But during that of Mr. Monroe, it has been seen that it was a matter of consideration, and there is every reason to believe, if he were now at the head of affairs, his determination would correspond with that of his successor. Let me suppose that it was the resolution of this country, under no circumstances, to contract with foreign powers intimate public engagements, and to remain altogether unbound by any treaties of alliance; what should have been the course taken with the very respectful invitation which was given to the United States to be represented at Panama? Haughtily folding your arms, would you have given it a cold and abrupt refusal? Or would you not rather accept it, send ministers, and in a friendly and respectful manner, endeavor to satisfy those who are looking to us for counsel and example, and imitating our free institutions, that there is no necessity for such an alliance; that the dangers which alone could, in the opinion of any one, have justified it, have vanished, and that it is not good for them or for us?

What may be the nature of the instructions with which our ministers may be charged, it is not proper that I should state; but all candid and

reflecting men must admit that we have great interests in connection with the southern republics, independent of any compacts of alliance. Those republics, now containing a population of upward of twenty millions, duplicating their numbers probably in periods still shorter than we do, comprising within their limits the most abundant sources of the precious metals, offer to our commerce, to our manufactures, to our navigation, so many advantages, that none can doubt the expediency of cultivating the most friendly relations with them. If treaties of commerce and friendship, and liberal stipulations in respect to neutral and belligerent rights, could be negotiated with each of them at its separate seat of government, there is no doubt that much greater facilities for the conclusion of such treaties present themselves at a point where, all being represented, the way may be smoothed and all obstacles removed by a disclosure of the views and wishes of all, and by mutual and friendly explanations. There was one consideration which had much weight with the executive, in the decision to accept the mission; and that was the interest which this country has, and especially the southern States, in the fate and fortunes of the island of Cuba. No subject of our foreign relations has created with the executive government more anxious concern, than that of the condition of that island and the possibility of prejudice to the southern States, from the convulsions to which it might be exposed. It was believed, and is yet believed, that the dangers which, in certain contingences, might threaten our quiet and safety, may be more successfully averted at a place at which all the American powers should be represented than anywhere else. And I have no hesitation in expressing the firm conviction that, if there be one section of this Union more than all others interested in the Panama mission, and the benefits which may flow from it, that section is the South. It was, therefore, with great and unaffected surprise that I witnessed the obliquity of these political views which led some gentlemen from that quarter to regard the measure, as it might operate on the southern States, in an unfavorable light. Whatever may be the result of the mission, its moral effect in Europe will be considerable, and it can not fail to make the most friendly impressions upon our southern neighbors. It is one of which it is difficult, in sober imagination, to conceive any possible mischievous consequences, and which the executive could not have declined, in my opinion, without culpable neglect of the interests of this country, and without giving dissatisfaction to nations whose friendship we are called upon by every dictate of policy to conciliate.

There are persons who would impress on the southern States the belief that they have just cause of apprehending danger to a certain portion of their property from the present administration. It is not difficult to comprehend the object and the motive of these idle alarms. What measure of the present administration gives any just occasion for the smallest apprehension to the tenure by which that species of property is held? How-

ever much the president and the members of his administration may deprecate the existence of slavery among us, as the greatest evil with which we are afflicted, there is not one of them that does not believe that the Constitution of the general government confers no authority to interpose between the master and his slave, none to apply an adequate remedy, if indeed there be any remedy within the scope of human power. Suppose an object of these alarmists were accomplished, and the slaveholding States were united in the sentiment, that the policy of this government, in all time to come, should be regulated on the basis of the fact of slavery, would not union on the one side lead to union on the other? And would not such a fatal division of the people and States of this confederacy produce perpetual mutual irritation and exasperation, and ultimately disunion itself? The slaveholding States can not forget that they are now in a minority, which is in a constant relative diminution, and should certainly not be the first to put forth a principle of public action by which they would be the greatest losers.

I am but too sensible of the unreasonable trespass on your time which I have committed, and of the egotism of which my discourse has partaken. I must depend for my apology upon the character of the times, on the venom of the attacks which have been made upon my character and conduct, and upon the generous sympathy of the gentlemen here assembled. During this very journey a paper has been put into my hands in which a member of the House of Representatives is represented to have said that the distinguished individual at the head of the government, and myself, have been indicted by the people. If that is the case, I presume that some defense is lawful. By-the-by, if the honorable member is to have the sole conduct of the prosecution without the aid of other counsel, I think that it is not difficult to predict that his clients will be nonsuited, and that they will be driven out of court with the usual judgment pronounced in such cases.

In conclusion, I beg leave to offer a toast which, if you are as dry as I am, will, I hope, be acceptable for the sake of the wine if not the sentiment:

"The continuation of the turnpike road which passes through Lewisburg, and success to the cause of internal improvement, under every auspice."

He then took his seat amid the repeated cheers of the whole company.

AFRICAN COLONIZATION.

AT THE ANNUAL MEETING OF THE AMERICAN COLONIZATION SOCIETY, WASHINGTON, JANUARY 20 1827.

[From almost the first start of African Colonization, Mr. Clay took an interest in it, and that interest increased to the day of his death. He was for many years president of the Society, and never failed to give it his countenance and support when he could. He made several important speeches in its behalf, of which the following is one. He has incorporated this scheme in his project of emancipation for the State of Kentucky, published in 1849, and found in the third volume of this work.* Mr. Clay was never a man to think that slavery must endure forever in this country. Look at the remarkable passages italicised in the following speech, and consider the stand he took in the Compromises of 1850, against the extension of slavery. He would go as far as the farthest for the constitutional rights of the slave States; but his voice and feelings were: Hitherto shalt thou come, but no further. As a friend of Colonization, however, he would never consent that it should interfere with slavery; but, in his view, the simple and restricted mission of Colonization was to operate on the free colored population, in the free and slave States; and this he regarded as beneficent in the present and in the future.

The present condition and prospects of the Colony of Liberia (1856), have more than realized the most sanguine hopes of Mr. Clay and others in the early stages of its history. It has a distinct and recognized political existence among nations, and is as likely to rise and increase in importance as any State that is yet in a small beginning. It has all the elements of growth and importance, with the moral advantage of the favor of the civilized world. No Christian nation would plant any obstacle in the way of its progress; and with such a start, in such circumstances, it can not fail to become a bright spot of Christian

* Last Seven Years of the Life of Henry Clay, page 346.

civilization and of freedom on the western coast of Africa—destined, no doubt, to extend its benign influence widely over that Continent.]

Mr. CLAY said: I can not withhold the expression of my congratulations to the Society, on account of the very valuable acquisition which we have obtained in the eloquent gentleman from Boston (Mr. Knapp), who has just before favored us with an address. He has told us of his original impressions, unfavorable to the object of the Society, and of his subsequent conversion. If the same industry, investigation, and unbiased judgment, manifested by himself and another gentleman (Mr. Powell), who avowed at the last meeting of the Society a similar change wrought in his mind, were carried by the public at large, into the consideration of the plan of the Society, the conviction of its utility would be universal.

I have arisen to submit a resolution, in behalf of which I would bespeak the favor of the Society. But before I offer any observations in its support, I must say that, whatever part I shall take in the proceedings of this Society, whatever opinions or sentiments I may utter, they are exclusively my own. Whether they are worth any thing or not, no one but myself is at all responsible for them. I have consulted with no person out of this Society, and I have especially abstained from all communication or consultation with any one to whom I stand in any official relation. My judgment on the object of this Society has been long since deliberately formed. The conclusions to which, after much and anxious consideration, my mind has been brought, have been neither produced nor refuted, by the official station, the duties of which have been confided to me.

From the origin of this Society, every member of it has, I believe, looked forward to the arrival of a period, when it would become necessary to invoke the public aid in the execution of the great scheme which it was instituted to promote. Considering itself as the mere pioneer in the cause which it had undertaken, it was well aware that it could do no more than remove preliminary difficulties, and point out a sure road to ultimate success; and that the public only could supply that regular, steady, and efficient support, to which the gratuitous means of benevolent individuals would be found incompetent. My surprise has been, that the Society has been able so long to sustain itself, and to do so much upon the charitable contributions of good, and pious, and enlightened men, whom it has happily found in all parts of our country. But our work has so prospered and grown under our hands, that the appeal to the power and resources of the public, should be no longer deferred. The resolution which I have risen to propose, contemplates this appeal. It is in the following words:

"*Resolved*, that the board of managers be empowered and directed, at such time or times as may seem to them expedient, to make respectful application to the Congress of the United States, and to the Legislatures of

the different States, for such pecuniary aid, in futherance of the object of this Society, as they may respectively be pleased to grant."

In soliciting the countenance and support of the Legislatures of the Union and States, it is incumbent on the Society, in making out its case, to show, first, that it offers to their consideration a scheme which is practicable, and secondly, that the execution of the practicable scheme, partial or entire, will be fraught with such beneficial consequences as to merit the support which is solicited. I believe both points to be maintainable.

First, it is now a little upward of ten years since a religious, amiable, and benevolent resident of this city, first conceived the idea of planting a colony, from the United States, of free people of color, on the western shores of Africa. He is no more, and the noblest eulogy which could be pronounced on him would be, to inscribe upon his tomb, the merited epitaph, "Here lies the projector of the American Colonization Society."

Among others, to whom he communicated the project, was the person who now has the honor of addressing you. My first impessions, like those of all who have not fully investigated the subject, were against it. They yielded to his earnest persuasions and my own reflections, and I finally agreed with him that the experiment was worthy of a fair trial. A meeting of its friends was called, organized as a deliberative body, and a Constitution was formed. The Society went into operation. He lived to see the most encouraging progress in its exertions, and died in full confidence of its complete success.* The Society was scarcely formed before it was exposed to the derision of the unthinking; pronounced to be visionary and chimerical by those who were capable of adopting wiser opinions, and the most confident predictions of its entire failure were put forth. It found itself equally assailed by the two extremes of public sentiment in regard to our African population. According to one (that rash class which, without a due estimate of the fatal consequence, would forthwith issue a decree of general, immediate, and indiscriminate emancipation), it was a scheme of the slaveholder to perpetuate slavery. The other (that class which believes slavery a blessing, and which trembles with aspen sensibility at the appearance of the most distant and ideal danger to the tenure by which that description of property is held), declared it a contrivance to let loose on society all the slaves of the country, ignorant, uneducated, and incapable of appreciating the value or enjoying the privileges of freedom. The Society saw itself surrounded by every sort of embarrassment. What great human enterprise was ever undertaken without difficulty? What ever failed, within the compass of human power, when pursued with perseverance and blessed by the smiles of Providence? The Society prosecuted undismayed its great work, appealing for succor to the moderate, the reasonable, the virtuous, and religious portions of the public. It protested,

* Mr. Caldwell. The Rev. Robert Finley, of New Jersey, was the first mover in African Colonization, and Mr. Caldwell was chiefly instrumental in the organization of the Society.

from the commencement, and throughout all its progress, and it now protests, that it entertains no purpose, on its own authority or by its own means, to attempt emancipation, partial or general; that it knows the general government has no constitutional power to achieve such an object; that it believes that the States, and the States only, which tolerate slavery, can accomplish the work of emancipation; and that it ought to be left to them, exclusively, absolutely, and voluntarily, to decide the question.

The object of the Society was the colonization of the free colored people, not the slaves, of the country. Voluntary in its institution, voluntary in its continuance, voluntary in all its ramifications, all its means, purposes, and instruments, are also voluntary. But it was said that no free colored persons could be prevailed upon to abandon the comforts of civilized life and expose themselves to all the perils of a settlement in a distant, inhospitable, and savage country; that, if they could be induced to go on such a quixotic expedition, no territory could be procured for their establishment as a colony; that the plan was altogether incompetent to effectuate its professed object; and that it ought to be rejected as the idle dream of visionary enthusiasts. The Society has outlived, thank God, all these disastrous predictions. It has survived to swell the list of false prophets. It is no longer a question of speculation whether a colony can or can not be planted from the United States of free persons of color on the shores of Africa. It is a matter demonstrated; such a colony, in fact, exists, prospers, has made successful war, and honorable peace, and transacts all the multiplied business of a civilized and Christian community. It now has about five hundred souls, disciplined troops, forts, and other means of defense, sovereignty over an extensive territory, and exerts a powerful and salutary influence over the neighboring clans.

Numbers of the free African race among us are willing to go to Africa. The Society has never experienced any difficulty on that subject, except that its means of comfortable transportation have been inadequate to accommodate all who have been anxious to migrate. Why should they not go? Here they are in the lowest state of social gradation; aliens—political, moral, social aliens—strangers, though natives. There, they would be in the midst of their friends, and their kindred, at home, though born in a foreign land, and elevated above the natives of the country, as much as they are degraded here below the other classes of the community. But on this matter, I am happy to have it in my power to furnish indisputable evidence from the most authentic source, that of large numbers of free persons of color themselves. Numerous meetings have been held in several churches in Baltimore, of the free people of color, in which, after being organized as deliberative assemblies, by the appointment of a chairman (if not of the same complexion) presiding as you, Mr. Vice-president, do, and secretaries, they have voted memorials addressed to the white people, in which they have argued the question with an ability, moderation, and temper, surpassing any that I can command, and emphatically recommended the colony

of Liberia to favorable consideration, as the most desirable and practicable scheme ever yet presented on this interesting subject. I ask permission of the Society to read this highly creditable document.

[Here Mr. Clay read the memorial referred to.]

The Society has experienced no difficulty in the acquisition of a territory, upon reasonable terms, abundantly sufficient for a most extensive colony. And land in ample quantities, it has ascertained, can be procured in Africa, together with all rights of sovereignty, upon conditions as favorable as those on which the United States extinguish the Indian title to territory within their own limits.

In respect to the alleged incompetency of the scheme to accomplish its professed objects, the Society asks that that object should be taken to be, not what the imaginations of its enemies represent it to be, but what it really proposes. They represent that the purpose of the Society is, to export the whole African population of the United States, bond and free; and they pronounce this design to be unattainable. They declare that the means of the whole country are insufficient to affect the transportation to Africa of a mass of population approximating to two million of souls. Agreed; but that is not what the Society contemplates. They have substituted their own notion for that of the Society. What is the true nature of the evil of the existence of a portion of the African race in our population? It is not that there are some, but that there are so many among us of a different caste, of a different physical, if not moral, constitution, who never can amalgate with the great body of our population. In every country, persons are to be found varying in their color, origin, and character, from the native mass. But this anomaly creates no inquietude or apprehension, because the exotics, from the smallness of their number, are known to be utterly incapable of disturbing the general tranquillity. Here, on the contrary, the African part of our population bears so large a proportion to the residue, of European origin, as to create the most lively apprehension, especially in some quarters of the Union. Any project, therefore, by which, in a material degree, the dangerous element in the general mass, can be diminished or rendered stationary, deserves deliberate consideration.

The Colonization Society has never imagined it to be practicable, or within the reach of any means which the several governments of the Union could bring to bear on the subject, to transport the whole of the African race within the limits of the United States. Nor is that necessary to accomplish the desirable objects of domestic tranquillity, and render us one homogeneous people. The population of the United States has been supposed to duplicate in periods of twenty-five years. That may have been the case heretofore, but the terms of duplication will be more and more protracted as we advance in national age; and I do not believe that it will be found, in any period to come, that our numbers will be doubled in a less term than one of about thirty-three and a third years. I have not time to enter

now into details in support of this opinion. They would consist of those checks which experience has shown to obstruct the progress of population, arising out of its actual augmentation and density, the settlement of waste lands, etc. Assuming the period of thirty-three and a third, or any other number of years, to be that in which our population will hereafter be doubled, if, during that whole term, the capital of the African stock could be kept down, or stationary, while that of European origin should be left to an unobstructed increase, the result, at the end of the term, would be most propitious. Let us suppose, for example, that the whole population at present of the United States, is twelve millions, of which ten may be estimated of the Anglo-Saxon, and two of the African race. If there could be annually transported from the United States an amount of the African portion equal to the annual increase of the whole of that caste, while the European race should be left to multiply, we should find at the termination of the period of duplication, whatever it may be, that the relative proportions would be as twenty to two. And if the process were continued, during a second term of duplication, the proportion would be as forty to two —one which would eradicate every cause of alarm or solicitude from the breasts of the most timid. But the transportation of Africans, by creating, to the extent to which it might be carried, a vacuum in society, would tend to accelerate the duplication of the European race, who by all the laws of population, would fill up the void space.

This Society is well aware, I repeat, that they can not touch the subject of slavery. But it is no objection to their scheme, limited, as it is, exclusively to those free people of color who are willing to migrate, that it admits of indefinite extension and application, by those who alone, having the competent authority, may choose to adopt and apply it. Our object has been to point out the way, to show that colonization is practicable, and to leave it to those States or individuals who may be pleased to engage in the object, to prosecute it. We have demonstrated that a colony may be planted in Africa, by the fact that an American colony there exists. The problem which has so long and so deeply interested the thoughts of good and patriotic men, is solved; a country and a home have been found, to which the African race may be sent, to the promotion of their happiness and our own.

But, Mr. Vice-president, I shall not rest contented with the fact of the establishment of the colony, conclusive as it ought to be deemed, of the practicability of our purpose. I shall proceed to show, by reference to indisputable statistical details and calculations, that it is within the compass of reasonable human means. I am sensible of the tediousness of all arithmetical data, but I will endeavor to simplify them as much as possible. It will be borne in mind that the aim of the Society is, to establish in Africa a colony of the free African population of the United States, to an extent which shall be beneficial both to Africa and America. The whole free colored population of the United States, amounted, in 1790, to fifty-nine

thousand four hundred and eighty-one, in 1800, to one hundred and ten thousand and seventy-two; in 1810, to one hundred and eighty-six thousand four hundred and forty-six; and in 1820, to two hundred and thirty-three thousand five hundred and thirty. The ratio of annual increase during the first term of ten years, was about eight and a half per cent. per annum; during the second, about seven per cent. per annum; and during the third, a little more than two and a half. The very great difference in the rate of annual increase, during those several terms, may probably be accounted for by the effect of the number of voluntary emancipations operating with more influence upon the total smaller amount of free colored persons at the first of those periods, and by the facts of the insurrection in St. Domingo, and the acquisition of Louisiana, both of which, occurring during the first and second terms, added considerably to the number of our free colored population.

Of all descriptions of our population, that of the free colored, taken in the aggregate, is the least prolific, because of the checks arising from vice and want. During the ten years, between 1810 and 1820, when no extraneous causes existed to prevent a fair competition in the increase between the slave and the free African race, the former increased at the rate of nearly three per cent. per annum, while the latter did not much exceed two and a half. Hereafter it may safely be assumed, and I venture to predict will not be contradicted by the return of the next census, that the increase of the free black population will not surpass two and a half per cent. per annum. Their amount at the last census being two hundred and thirty-three thousand five hundred and thirty, for the sake of round numbers, their annual increase may be assumed to be six thousand, at the present time. Now if this number could be annually transported from the United States during a term of years, it is evident that, at the end of that term, the parent capital will not have increased, but will have been kept down at least to what it was at the commencement of the term. Is it practicable, then, to colonize annually six thousand persons from the United States, without materially impairing or affecting any of the great interests of the United States? This is the question presented to the judgments of the legislative authorities of our country. This is the whole scheme of the Society. From its actual experience, derived from the expenses which have been incurred in transporting the persons already sent to Africa, the entire average expense of each colonist, young and old, including passage-money and subsistence, may be stated at twenty dollars per head. There is reason to believe that it may be reduced considerably below that sum. Estimating that to be the expense, the total cost of transporting six thousand souls, annually to Africa, would be one hundred and twenty thousand dollars. The tonnage requisite to effect the object, calculating two persons to every five tons (which is the provision of existing law) would be fifteen thousand tons. But as each vessel could probably make two voyages in the year, it may be reduced to seven thousand five hundred. And as both our mer-

cantile and military marine might be occasionally employed on this collateral service, without injury to the main object of the voyage, a further abatement might be safely made in the aggregate amount of the necessary tonnage. The navigation concerned in the commerce between the colony and the United States (and it already begins to supply subjects of an interesting trade) might be incidentally employed to the same end.

Is the annual expenditure of a sum no larger than one hundred and twenty thousand dollars, and the annual employment of seven thousand five hundred tons of shipping too much for reasonable exertion, considering the magnitude of the object in view? Are they not, on the contrary, within the compass of moderate efforts?

Here is the whole scheme of the Society—a project which has been pronounced visionary by those who have never given themselves the trouble to examine it, but to which I believe most unbiased men will yield their cordial assent, after they have investigated it.

Limited as the project is, by the Society, to a colony to be formed by the free and unconstrained consent of free persons of color, it is no objection, but, on the contrary, a great recommendation of the plan, that it admits of being taken up and applied on a scale of much more comprehensive utility. The Society knows, and it affords just cause of felicitation, that all, or any one of the States which tolerate slavery, may carry the scheme of colonization into effect in regard to the slaves within their respective limits, and thus ultimately rid themselves of a universally ackowledged curse. A reference to the results of the several enumerations of the population of the United States will incontestably prove the practicability of its application on the more extensive scale. The slave population of the United States amounted, in 1790, to six hundred and ninety-seven thousand, six hundred and ninety-seven; in 1800, to eight hundred and ninety-six thousand, eight hundred and forty-nine; in 1810, to eleven hundred and ninety-one thousand, three hundred and sixty-four; and in 1820, to fifteen hundred and thirty-eight thousand, one hundred and twenty-eight. The rate of annual increase (rejecting fractions and taking the integer to which they made the nearest approach), during the first term of ten years, was not quite three per centum per annum; during the second, a little more than three per centum per annum; and during the third a little less than three per centum. The mean ratio of increase for the whole period of thirty years was very little more than three per centum per annum. During the first two periods, the native stock was augmented by importations from Africa in those States which continued to tolerate them, and by the acquisition of Louisiana. Virginia, to her eternal honor, abolished the abominable traffic among the earliest acts of her self-government. The last term alone presents the natural increase of the capital unaffected by any extraneous causes. That authorizes, as a safe assumption, that the future increase will not exceed three per centum per annum. As our population increases the value of slave-labor will diminish, in consequence of

the superior advantages in the employment of free labor. And when the value of slave-labor shall be materially lessened, either by the multiplication of the supply of slaves beyond the demand, or by the competition between slave and free labor, the annual increase of slaves will be reduced, in consequence of the abatement of the motives to provide for and rear the offspring.

Assuming the future increase to be at the rate of three per centum per annum, the annual addition to the number of slaves in the United States, calculated upon the return of the last census (one million five hundred and thirty-eight thousand, one hundred and twenty-eight), is forty-six thousand. Applying the data which have been already stated and explained, in relation to the colonization of free persons of color from the United States to Africa, to the aggregate annual increase, both bond and free, of the African race, and the result will be found most encouraging. The total number of the annual increase of both descriptions is fifty-two thousand. The total expense of transporting that number to Africa (supposing no reduction of present prices), would be one million and forty thousand dollars, and the requisite amount of tonnage would be only one hundred and thirty thousand tons of shipping—about one ninth part of the mercantile marine of the United States. Upon the supposition of a vessel's making two voyages in the year, it would be reduced to one half, sixty-five thousand. And this quantity would be still further reduced, by embracing opportunities of incidental employment of vessels belonging both to the mercantile and military marines.

But, is the annual application of one million and forty thousand dollars, and the employment of sixty-five or even one hundred and thirty thousand tons of shipping, considering the magnitude of the object, beyond the ability of this country? Is there a patriot, looking forward to its domestic quiet, its happiness, and its glory, that would not cheerfully contribute his proportion of the burden, to accomplish a purpose so great and so humane? During the general continuance of the African slave-trade, hundreds of thousands of slaves have been, in a single year, imported into the several countries whose laws authorized their admission. Notwithstanding the vigilance of the powers now engaged to suppress the slave-trade, I have received information, that in a single year, in the single island of Cuba, slaves equal in amount to one half of the above number of fifty-two thousand, have been illicitly introduced. Is it possible that those who are concerned in an infamous traffic can effect more than the States of this Union, if they were seriously to engage in the good work? Is it credible, is it not a libel upon human nature to suppose, that the triumphs of fraud, and violence, and iniquity, can surpass those of virtue, and benevolence, and humanity?

The population of the United States being, at this time, estimated at about ten millions of the European race, and two of the African, on the supposition of the annual colonization of a number of the latter, equal to

the annual increase, of both of its classes, during the whole period necessary to the process of duplication of our numbers, they would, at the end of that period, relatively stand twenty millions for the white and two for the black portion. But an annual exportation of a number equal to the annual increase, at the beginning of the term, and persevered in to the end of it, would accomplish more than to keep the parent stock stationary. The colonists would comprehend more than an equal proportion of those of the prolific ages. Few of those who had passed that age would migrate. So that the annual increase of those left behind, would continue gradually, but at first insensibly, to diminish; and by the expiration of the period of duplication, it would be found to have materially abated. But it is not merely the greater relative safety and happiness which would, at the termination of that period, be the condition of the whites. Their ability to give further stimulus to the cause of colonization will have been doubled, while the subjects on which it would have to operate, will have decreased or remained stationary. If the business of colonization should be regularly continued, during two periods of duplication, at the end of the second, the whites would stand to the blacks, as forty millions to not more than two, while the same ability will have been quadrupled. Even if colonization should then altogether cease, the proportion of the African to the European race will be so small, that the most timid may then, forever, dismiss all ideas of danger from within or without, on account of that incongruous and perilous element in our population.

Further; by the annual withdrawal of fifty-two thousand persons of color, there would be annual space created for an equal number of the white race. The period, therefore, of the duplication of the whites, by the laws which govern population, would be accelerated.

Such, Mr. Vice-president, is the project of the Society; and such is the extension and use which may be made of the principle of colonization, in application to our slave population, by those States which are alone competent to undertake and execute it. All, or any one, of the States which tolerate slavery, may adopt and execute it, by co-operation or separate exertion. *If I could be instrumental in eradicating this deepest stain upon the character of our country, and removing all cause of reproach on account of it, by foreign nations; if I could only be instrumental in ridding of this foul blot that revered State that gave me birth, or that not less beloved State which kindly adopted me as her son; I would not exchange the proud satisfaction which I should enjoy, for the honor of all the triumphs ever decreed to the most successful conqueror.*

Having, I hope, shown that the plan of the Society is not visionary, but rational and practicable; that a colony does in fact exist, planted under its auspices; that free people are willing and anxious to go; and that the right of soil as well as of sovereignty, may be acquired in vast tracts of country in Africa, abundantly sufficient for all the purposes of the most ample colony, and at prices almost only nominal, the task which re-

mains to me of showing the beneficial consequences which would attend the execution of the scheme, is comparatively easy.

Of the utility of a total separation of the two incongruous portions of our population, supposing it to be practicable, none have ever doubted. The mode of accomplishing that most desirable object, has alone divided public opinion. Colonization in Hayti, for a time, had its partisans. Without throwing any impediments in the way of executing that scheme, the American Colonization Society has steadily adhered to its own. The Haytien project has passed away. Colonization beyond the Stony Mountains has sometimes been proposed; but it would be attended with an expense and difficulties far surpassing the African project, while it would not unite the same animating motives. There is a moral fitness in the idea of returning to Africa her children, whose ancestors have been torn from her by the ruthless hand of fraud and violence. Transplanted in a foreign land, they will carry back to their soil the rich fruits of religion, civilization, law, and liberty. May it not be one of the great designs of the Ruler of the universe (whose ways are often inscrutable by short-sighted mortals) thus to transform an original crime into a signal blessing, to that most unfortunate portion of the globe. Of all classes of our population, the most vicious is that of the free colored. It is the inevitable result of their moral, political, and civil degradation. Contaminated themselves, they extend their vices to all around them, to the slaves and to the whites. If the principle of colonization should be confined to them; if a colony can be firmly established and successfully continued in Africa which should draw off annually an amount of that portion of our population equal to its annual increase, much good will be done. If the principle be adopted and applied by the States, whose laws sanction the existence of slavery, to an extent equal to the annual increase of slaves, still greater good will be done. This good will be felt by the Africans who go, and by the Africans who remain, by the white population of our country, by Africa, and by America. It is a project which recommends itself to favor in all the aspects in which it can be contemplated. It will do good in every and any extent in which it may be executed. It is a circle of philanthropy, every segment of which tells and testifies to the beneficence of the whole.

Every emigrant to Africa is a missionary carrying with him credentials in the holy cause of civilization, religion, and free institutions. Why is it that the degree of success of missionary exertions is so limited, and so discouraging to those whose piety and benevolence prompt them? Is it not because the missionary is generally an alien and a stranger, perhaps of a different color, and from a different tribe? There is a sort of instinctive feeling of jealousy and distrust toward foreigners which repels and rejects them in all countries; and this feeling is in proportion to the degree of ignorance and barbarism which prevail. But the African colonists, whom we send to convert the heathen, are of the same color, the same family,

the same physical constitution. When the purposes of the colony shall be fully understood, they will be received as long-lost brethren restored to the embraces of their friends and their kindred by the dispensations of a wise Providence.

The Society is reproached for agitating this question. It should be recollected that the existence of free people of color is not limited to the States only which tolerate slavery. The evil extends itself to all the States, and some of those which do not allow of slavery (their cities especially), experience the evil in an extent even greater than it exists in slave States. A common evil confers a right to consider and apply a common remedy. Nor is it a valid objection that this remedy is partial in its operation or distant in its efficacy. A patient, writhing under the tor tures of excruciating disease, asks of his physician to cure him if he can, and, if he can not, to mitigate his sufferings. But the remedy proposed, if generally adopted and perseveringly applied, for a sufficient length of time, should it not entirely eradicate the disease, will enable the body politic to bear it without danger and without suffering.

We are reproached with doing mischief by the agitation of this question. The Society goes into no household to disturb its domestic tranquillity; it addresses itself to no slaves to weaken their obligation of obedience. It seeks to affect no man's property. It neither has the power nor the will to affect the property of any one contrary to his consent. The execution of its scheme would augment instead of diminishing the value of the property left behind. The Society, composed of free men, concerns itself only with the free. *Collateral consequences we are not responsible for. It is not this Society which has produced the great moral revolution which the age exhibits. What would they, who thus reproach us, have done? If they would repress all tendencies toward liberty and ultimate emancipation, they must do more than put down the benevolent efforts of this Society. They must go back to the era of our liberty and independence, and muzzle the cannon which thunder its annual joyous return. They must revive the slave-trade, with all its train of atrocities. They must suppress the workings of British philanthropy, seeking to meliorate the condition of the unfortunate West Indian slaves. They must arrest the career of South American deliverance from thralldom. They must blow out the moral lights around us, and extinguish that greatest torch of all which America presents to a benighted world, pointing the way to their rights, their liberties, and their happiness. And when they have achieved all these purposes, their work will be yet incomplete. They must penetrate the human soul, and eradicate the light of reason and the love of liberty. Then, and not till then, when universal darkness and despair prevail, can you perpetuate slavery, and repress all sympathies, and all humane and benevolent efforts among freemen, in behalf of the unhappy portion of our race doomed to bondage.*

Our friends, who are cursed with this greatest of human evils, deserve

the kindest attention and consideration. Their property and their safety are both involved. But the liberal and candid among them will not, can not, expect that every project to deliver our country from it is to be crushed because of a possible and ideal danger. Animated by the encouragement of the past, let us proceed under the cheering prospects which lie before us. Let us continue to appeal to the pious, the liberal, and the wise. Let us bear in mind the condition of our forefathers, when, collected on the beach in England, they embarked, amid the scoffings and the false predictions of the assembled multitude, for this distant land; and here, in spite of all the perils of forest and ocean, which they encountered, successfully laid the foundation of this glorious republic. Undismayed by the prophecies of the presumptuous, let us supplicate the aid of the American representatives of the people, and redoubling our labors, and invoking the blessings of an all-wise Providence, I boldly and confidently anticipate success. I hope the resolution which I offer will be unanimously adopted.

BARGAIN AND CORRUPTION

LEXINGTON, JULY 12, 1827.

[THE following is one of the most spirited speeches which Mr. Clay ever made, and he was justly provoked to it. If any one would understand the wickedness of General Jackson, in his attempts to injure Mr. Clay, and his determination to make his way to the presidency at the expense of truth and fairness, he must read this document; and if he can find any satisfaction in seeing such iniquity exposed in the most fervid style of eloquence, and by the closest reasoning, he will find it here. In this great and complicated conspiracy, there was always the most studied avoidance of a fair hearing. The great object was to keep it before the public in such forms as to injure Mr. Clay, and help General Jackson to the presidency. When the charge was first brought by Kremer, a member of the House of Representatives from Pennsylvania, Mr. Clay instantly demanded an investigation by a special committee of that body. But investigation and the truth were not the things wanted, and it was therefore evaded by artifice. Agitation, by false statements circulated among the people, was the grand device; and after keeping these false statements afloat for two years, General Jackson comes out, over his own name, with a hypothetical charge, indeed, and yet such as would seem to be direct and explicit, and which would be received as such. It was left to Mr. Clay, in the following speech, to expose its atrocious character. But the charge, like every lie, would travel over the Continent, while Truth was putting its boots on. General Jackson's letter would be universally read, and regarded by most people as plausible, while Mr. Clay's exposure of its falsehood would have a comparatively limited circulation. The exceedingly wicked character and purpose of the letter can only be appreciated by a perusal of the following discourse. It was called forth by a toast, at a dinner given to Mr. Clay at Lexington, as follows:

"*Our distinguished guest*, HENRY CLAY: the furnace of persecution may be heated seven times hotter, and seventy times more he will come out unscathed by the fire of malignity, brighter to all and dearer to his friends; while his enemies shall sink with the dross of their own vile materials."]

MR. PRESIDENT, FRIENDS, AND FELLOW-CITIZENS—I beg permission to offer my hearty thanks, and to make my respectful acknowledgments, for the affectionate reception which has been given me during my present visit to my old congressional district, and for this hospitable and honorable testimony of your esteem and confidence. And I thank you especially for the friendly sentiments and feelings expressed in the toast which you have just done me the honor to drink. I always had the happiness of knowing that I enjoyed, in a high degree, the attachment of that portion of my fellow-citizens whom I formerly represented; but I should never have been sensible of the strength and ardor of their affection, except for the extraordinary character of the times. For nearly two years and a half I have been assailed with a rancor and bitterness which have few examples. I have found myself the particular object of concerted and concentrated abuse; and others, thrusting themselves between you and me, have dared to arraign me for treachery to your interests. But my former constituents, unaffected by the calumnies which have been so perseveringly circulated to my prejudice, have stood by me with a generous confidence and a noble magnanimity. The measure of their regard and confidence has risen with and even surpassed, that of the malevolence, great as it is, of my personal and political foes. I thank you, gentlemen, who are a large portion of my late constituents. I thank you, and every one of them, with all my heart, for the manly support which I have uniformly received. It has cheered, and consoled me, amid all my severe trials; and may I not add, that it is honorable to the generous hearts and enlightened heads who have resolved to protect the character of an old friend and faithful servant?

The numerous manifestations of your confidence and attachment will be among the latest and most treasured recollections of my life. They impose upon me obligations which can never be weakened or canceled. One of these obligations is, that I should embrace every fair opportunity to vindicate that character which you have so generously sustained, and to evince to you and to the world, that you have not yielded to the impulses of a blind and enthusiastic sentiment. I feel that I am, on all fit occasions, especially bound to vindicate myself to my former constituents. It was as their representative, it was in fulfillment of a high trust which they confided to me, that I have been accused of violating the most sacred of duties—of treating their wishes with contempt, and their interests with treachery. Nor is this obligation, in my conception of its import, at all weakened by the dissolution of the relations which heretofore existed between us. I would instantly resign the place I hold in the councils of the nation, and directly appeal to the suffrages of my late constituents, as a

candidate for re-election, if I did not know that my foes are of that class whom one rising from the dead can not convince, whom nothing can silence, and who wage a war of extermination. On the issue of such an appeal they would redouble their abuse of you and of me, for their hatred is common to us both.

They have compelled me so often to be the theme of my addresses to the people, that I should have willingly abstained, on this festive occasion, from any allusion to this subject, but for a new and imposing form which the calumny against me has recently assumed. I am again put on my defense, not of any new charge, nor by any new adversary; but of the old charges, clad in a new dress, and exhibited by an open and undisguised enemy. The fictitious names have been stricken from the foot of the indictment, and that of a known and substantial prosecutor has been voluntarily offered. Undaunted by the formidable name of that prosecutor, I will avail myself, with your indulgence, of this fit opportunity of free and unreserved intercourse with you, as a large number of my late constituents, to make some observations on the past and present state of the question. When evidence shall be produced, as I have now a clear right to demand, in support of the accusation, it will be the proper time for me to take such notice of it as its nature shall require.

In February, 1825, it was my duty, as the representative of this district, to vote for some one of the three candidates for the presidency, who were returned to the House of Representatives. It has been established, and can be further proved, that, before I left this State the preceding fall, I communicated to several gentlemen of the highest respectability my fixed determination not to vote for General Jackson. The friends of Mr. Crawford asserted to the last that the condition of his health was such as to enable him to administer the duties of the office. I thought otherwise, after I reached Washington city, and visited him to satisfy myself; and thought that physical impediment, if there were no other objections, ought to prevent his election. Although the delegations from four States voted for him, and his pretensions were zealously pressed to the very last moment, it has been of late asserted, and I believe by some of the very persons who then warmly espoused his cause, that his incompetency was so palpable as clearly to limit the choice to two of the three returned candidates. In my view of my duty, there was no alternative but that which I embraced. That I had some objections to Mr. Adams, I am ready freely to admit; but these did not weigh a feather in comparison with the greater and insurmountable objections, long and deliberately entertained against his competitor. I take this occasion, with great satisfaction, to state, that my objections to Mr. Adams arose chiefly from apprehensions which have not been realized. I have found him at the head of the government able, enlightened, patient of investigation, and ever ready to receive with respect, and, when approved by his judgment, to act upon, the counsels of his official advisers. I add, with unmixed pleasure, that, from the commencement of

the government, with the exception of Mr. Jefferson's administration, no chief magistrate has found the members of his cabinet so united on all public measures, and so cordial and friendly in all their intercourse, private and official, as these are of the present president.

Had I voted for General Jackson, in opposition to the well-known opinions which I entertained of him, one tenth part of the ingenuity and zeal which have been employed to excite prejudices against me, would have held me up to universal contempt; and what would have been worse, I should have felt that I really deserved it.

Before the election, an attempt was made by an abusive letter, published in the Columbian Observer, at Philadelphia, a paper which, as has since transpired, was sustained by Mr. Senator Eaton, the colleague, the friend, and the biographer of General Jackson, to assail my motives, and to deter me in the exercise of my duty. This letter being avowed by Mr. George Kremer, I instantly demanded from the House of Representatives an investigation. A committee was accordingly, on the 5th day of February, 1825, appointed in the rare mode of balloting by the House, instead of by selection of the Speaker. It was composed of some of the leading members of that body, not one of whom was my political friend in the preceding presidential canvass. Although Mr. Kremer, in addressing the House, had declared his willingness to bring forward his proofs, and his readiness to abide the issue of the inquiry, his fears, or other counsels than his own, prevailed upon him to take refuge in a miserable subterfuge. Of all possible periods, that was the most fitting to substantiate the charge, if it were true. Every circumstance was then fresh; the witnesses all living and present; the election not yet complete; and therefore the imputed corrupt bargain not fulfilled! All these powerful considerations had no weight with the conspirators and their accessories, and they meanly shrunk from even an attempt to prove their charge, for the best of all possible reasons—because, being false and fabricated, they could adduce no proof which was not false and fabricated.

During two years and a half, which have now intervened, a portion of the press devoted to the cause of General Jackson has been teeming with the vilest calumnies against me, and the charge, under every chameleon form, has been a thousand times repeated. Up to this time I have in vain invited investigation, and demanded evidence. None, not a particle, has been adduced.

The extraordinary ground has been taken, that the accusers were not bound to establish by proof the guilt of their designated victim. In a civilized, Christian, and free community, the monstrous principle has been assumed, that accusation and conviction are synonymous; and that the persons who deliberately bring forward an atrocious charge are exempted from all obligations to substantiate it! And the pretext is, that the crime, being of a political nature, is shrouded in darkness, and incapable of being substantiated. But is there any real difference, in this respect, between

political and other offenses? Do not all the perpetrators of crime endeavor to conceal their guilt and to elude detection? If the accuser of a political offense is absolved from the duty of supporting his accusation, every other accuser of offense stands equally absolved. Such a principle, practically carried into society, would subvert all harmony, peace, and tranquillity. None—no age, nor sex, nor profession, nor calling—would be safe against its baleful and overwhelming influence. It would amount to a universal license to universal calumny.

No one has ever contended that the proof should be exclusively that of eye-witnesses, testifying from their senses positively and directly to the fact. Political, like other offenses, may be established by circumstantial as well as positive evidence. But I do contend, that some evidence, be it what it may, ought to be exhibited. If there be none, how do the accusers know that an offense has been perpetrated? If they do know it, let us have the fact on which their conviction is based. I will not even assert, that, in public affairs, a citizen has not a right freely to express his opinions of public men, and to speculate upon the motives of their conduct. But if he chooses to promulgate opinions, let them be given as opinions. The public will correctly judge of their value and their grounds. No one has a right to put forth a positive assertion, that a political offense has been committed, unless he stands prepared to sustain, by satisfactory proof of some kind, its actual existence.

If he who exhibits a charge of political crime is, from its very nature, disabled to establish it, how much more difficult is the condition of the accused? How can he exhibit negative proof of his innocence, if no affirmative proof of his guilt is or can be adduced?

It must have been a conviction that the justice of the public required a definite charge, by a responsible accuser, that has at last extorted from General Jackson his letter of the 6th of June, lately published. I approach that letter with great reluctance, not on my own account, for on that I do most heartily and sincerely rejoice that it has made its appearance. But it is reluctance, excited by the feelings of respect which I would anxiously have cultivated toward its author. He has, however, by that letter, created such relations between us, that, in any language which I may employ, in examining its contents, I feel myself bound by no other obligations than those which belong to truth, to public decorum, and to myself.

The first consideration which must, on the perusal of the letter, force itself upon every reflecting mind, is that which arises out of the delicate posture in which General Jackson stands before the American public. He is a candidate for the presidency, avowed and proclaimed. He has no competitor at present, and there is no probability of his having any but one. The charges which he has allowed himself to be the organ of communicating to the very public who is to decide the question of the presidency, though directly aimed at me, necessarily implicate his only competitor. Mr. Adams and myself are both guilty, or we are both innocent,

of the imputed arrangement between us. His innocence is absolutely irreconcilable with my guilt. If General Jackson, therefore, can establish my guilt, and, by inference, or by insinuation, that of his sole rival, he will have removed a great obstacle to the consummation of the object of his ambition. And if he can, at the same time, make out his own purity of conduct, and impress the American people with the belief, that his purity and integrity alone prevented his success before the House of Representatives, his claims will become absolutely irresistible. Were there ever more powerful motives to propagate, was there ever greater interest, at all hazards, to prove the truth of charges?

I state the case, I hope, fairly; I mean to state it fairly and fearlessly. If the position be one which exposes General Jackson to unfavorable suspicions, it must be borne in mind that he has voluntarily taken it, and he must abide the consequences. I am acting on the defensive, and it is he who assails me, and who has called forth, by the eternal laws of self-protection, the right to use all legitimate means of self-defense.

General Jackson has shown in his letter, that he is not exempt from the influence of that bias toward one's own interest, which is unfortunately the too common lot of human nature. It is *his* interest to make out that he is a person of spotless innocence, and of unsullied integrity; and to establish, by direct charge, or by necessary inference, the want of those qualities in his rival. Accordingly, we find, throughout the letter, a labored attempt to set forth his own immaculate purity in striking contrast with the corruption which is attributed to others. We would imagine from his letter, that he very seldom touches a newspaper. The Telegraph is mailed regularly for him at Washington, but it arrives at the Hermitage very irregularly. He would have the public to infer, that the postmaster at Nashville, whose appointment happened not to be upon his recommendation, obstructed his reception of it. In consequence of his not receiving the Telegraph, he had not on the 6th of June, 1827, seen Carter Beverley's famous Fayetteville letter, dated the 8th of the preceding March, published in numerous gazettes, and published, I have very little doubt, although I have not the means of ascertaining the fact, in the gazettes of Nashville. I will not say, contrary to General Jackson's assertion, that he had never read that letter, when he wrote that of the 6th of June, but I must think that it is very strange that he should not have seen it; and I doubt whether there is another man of any political eminence in the United States who has not read it. There is a remarkable coincidence between General Jackson and certain editors who espouse his interest, in relation to Mr. Beverley's letter. They very early took the ground, in respect to it, that I ought, under my own signature, to come out and deny the statements. And General Jackson now says, in his letter of the 6th of June, that he "always intended, should Mr. Clay come out over his own signature, and deny having any knowledge of the communication made by his friends to my friends

and to me, that I would give him the name of the gentleman through whom that communication came."

The distinguished member of Congress who bore the alleged overture, according to General Jackson, presented himself with diplomatic circumspection, lest he should wound the very great sensibility of the general. He avers that the communication was intended with the most friendly motives; "that he came as a friend," and that he hoped, however it might be received, there would be no alteration in the friendly feelings between them. The general graciously condescends to receive the communication, and, in consideration of the high standing of the distinguished member, and of his having always been a professed friend, he is promised impunity, and assured that there shall be no change of amicable ties. After all these necessary preliminaries are arranged between the high negotiating powers, the envoy proceeds: "He had been informed by the friends of Mr. Clay, that the friends of Mr. Adams had made overtures to them, saying if Mr. Clay and his friends would unite in aid of the election of Mr. Adams, Mr. Clay should be Secretary of State; that the friends of Mr. Adams were urging, as a reason to induce the friends of Mr. Clay to accede to their proposition, that if I was elected president, Mr. Adams would be continued Secretary of State, (innuendo, there would be no room for Kentucky)." [Is this General Jackson's innuendo, or that of the distinguished member of Congress?] "That the friends of Mr. Clay stated the West does not want to separate from the West and if I would say, or permit any of my confidential friends to say that, in case I was elected president, Mr. Adams should not be continued Secretary of State, by a complete union of Mr. Clay and his friends, they would put an end to the presidential contest in one hour; and he was of opinion it was right to fight such intriguers with their own weapons." To which the general states himself to have replied in substance, "that in politics, as in every thing else, my guide was principle, and contrary to the expressed and unbiased will of the people or their constituted agents, I never would step into the presidential chair; and requested him to say to Mr. Clay and his friends (for I did suppose he had come from Mr. Clay, although he used the terms Mr. Clay's friends), that before I would reach the presidential chair by such means of bargain and corruption, I would see the earth open and swallow both Mr. Clay and his friends and myself with them." Now all these professions are very fine, and display admirable purity. But its sublimity would be somewhat more impressive, if some person other than General Jackson had proclaimed it. He would go into the presidential chair, but never, no! never, contrary to "the expressed and unbiased will of the people, or their constituted agents:" two modes of arriving at it the more reasonable, as there happens to be no other constituted way. He would see "the earth open and swallow both Mr. Clay and his friends and myself," before he would reach the presidential chair by "such means of bargain and corruption." I hope General Jackson did not intend that the whole human race should be also

swallowed up, on the contingency he has stated, or that they were to guaranty that he has an absolute repugnance to the employment of any exceptionable means to secure his elevation to the presidency. If he had rendered the distinguished member of Congress a little more distinguished, by instantly ordering him from his presence, and by forthwith denouncing him and the infamous propositions which he bore to the American public, we should be a little better prepared to admit the claims to untarnished integrity, which the general so modestly puts forward. But, according to his own account, a corrupt and scandalous proposal is made to him; the person who conveyed it, advises him to accept it, and yet that person still retains the friendship of General Jackson, who is so tender of his character that his name is carefully concealed and reserved to be hereafter brought forward as a witness! A man, who, if he be a member of the House of Representatives, is doubly infamous—infamous for the advice which he gave, and infamous for his willingness to connive at the corruption of the body of which he is a sworn member—is the credible witness by whom General Jackson stands ready to establish the corruption of men whose characters are never questioned.

Of all the properties which belong to honorable men, not one is so highly prized as that of character. General Jackson can not be insensible to its value, for he appears to be the most anxious to set forth the loftiness and purity of his own. How has he treated mine? During the dispensation of the hospitalities of the Hermitage, in the midst of a mixed company of individuals from various States, he permits himself to make certain statements respecting my friends and me, which, if true, would forever dishonor and degrade us. The words are hardly passed from his mouth, before they are committed to paper by one of his guests, and transmitted in the form of a letter to another State, when they are published in a newspaper, and thence circulated throughout the Union. And now he pretends that these statements were made "without any calculation that they were to be thrown into the public journals." Does he reprove the indiscretion of his guest who had violated the sanctity of a conversation at the hospitable board? Far from it. The public is incredulous. It can not be, General Jackson would be so wanting in delicacy and decorum. The guest appeals to him for the confirmation of the published statements; and the General promptly addresses a letter to him, in which "he unequivocally confirms (says Mr. Carter Beverely), all I have said regarding the overture made to him pending the last presidential election before Congress; and he asserts a great deal more than he ever told me." I should be glad to know if all the versions of the tale have now made their appearance, and whether General Jackson will allege, that he did not "calculate" upon the publication of his letter of the 6th of June.

The general states that the unknown envoy used the terms, "Mr Clay's friends," to the exclusion, therefore, of myself, but he nevertheless inferred that he had come from me. Now, why did he draw this inference contra-

ry to the import of the statement which he received? Does not this disposition to deduce conclusions unfavorable to me, manifest the spirit which actuates him? And does not General Jackson exhibit throughout his letter a desire to give a coloring to the statements of his friend the distinguished member of Congress, higher than they would justify? No one should ever resort to implication but from necessity. Why did he not ascertain from the envoy if he had come from me? Was any thing more natural than that General Jackson should ascertain the persons who had deputed the envoy? If his slacked sensibility and indignant virtue and patriotism would not allow him to inquire into particulars, ought he to have hazarded the assertion, that I was privy to the proposal, without assuring himself of the fact; could he not, after rejecting the proposal, continuing, as he did, on friendly terms with the organ of it, have satisfied himself if I were conusant of it? If he had not time then, might he not have ascertained the fact from his friend or from me, during the intervening two and a half years? The compunctions of his own conscience appear for a moment to have visited him toward the conclusion of his letter, for he there does say, "that in the supposition stated, I may have done injustice to Mr. Clay; if so, the gentleman informing me can explain." No good or honorable man will do another voluntarily any injustice. It was not necessary that General Jackson should have done me any. And he can not acquit himself of the rashness and iniquity of his conduct toward me, by referring at this late day to a person whose name is withheld from the public. This compendious mode of administering justice, by first hanging and then trying a man, however justifiable it may be, according to the precepts of the Jackson code, is sanctioned by no respectable system of jurisprudence.

It is stated in the letter of the 6th of June, that the overture was made early in January; and that the second day after the communication, it "was announced in the newspapers, that Mr. Clay had come out openly and avowedly in favor of Mr. Adams." The object of this statement is obvious. It is to insinuate that the proposal which was rejected with disdain by General Jackson, was accepted with promptitude by Mr. Adams. This renders the fact as to the time of the alleged annunciation very important. It is to be regretted that General Jackson had not been a little more precise. It was early in January that the overture was made, and the second day after, the annunciation of my intention took place. Now, I will not assert that there may not have been some speculations in the newspapers about that time (although I do not believe there were any speculations so early), as to the probable vote I should give; but I should be glad to see any newspaper which the second day after early in January, asserted in its columns, that I had come out "openly and avowedly in favor of Mr. Adams." I challenge the production of such a paper. I do not believe my intention so to vote for Mr. Adams was announced in the newspapers openly and avowedly during the whole month of January, or at any rate

until late in that month. The only avowal of my intention to vote for him, which was publicly made in the newspapers, prior to the election, is contained in my letter to Judge Brooke, which is dated the 28th of January. It was first published in the Enquirer at Richmond, some time in the ensuing month. I go further: I do not believe any newspaper at Washington can be produced, announcing, before the latter part of January, the fact, whether upon my avowal or not, of my intention to vote for Mr. Adams. General Jackson's memory must deceive him. He must have confounded events and circumstances. His friend, Mr. George Kremer, in his letter to the Columbian Observer bearing date the 25th of January, has, according to my recollection of the public prints, a claim to the merit of being the first, or among the first, to announce to the public my intended vote. That letter was first published at Philadelphia, and returned in the Columbian Observer to Washington city, on the 31st of January. How long before its date that letter was written to Mr. Kremer, does not appear. Whether there be any connection made by the distinguished member of Congress, and that letter, perhaps General Jackson can explain.

At the end of more than two years, after a corrupt overture has been made to General Jackson, he now, for the first time, openly proclaims it. It is true, as I have ascertained since the publication of Mr. Beverley's Fayetteville letter, the general has been for a long time secretly circulating the charge. Immediately on the appearance at Washington of that letter in the public prints, the editor of the Telegraph asserted, in his paper, that General Jackson had communicated the overture to him about the period of the election, not as he now states, but according to Mr. Beverley's version of the tale. Since I left Washington on the 10th of last month, I have understood that General Jackson has made a similar communication to several other persons at different and distant points. Why has the overture been thus clandestinely circulated? Was it that through the medium of the Telegraph, the leading paper supporting the interest of General Jackson, and through his other depositories, the belief of the charge should be duly and gradually infused into the public mind, and thus contribute to the support of his cause? The zeal and industry with which it has been propagated, the daily columns of certain newspapers can testify. Finding the public still unconvinced, has the general found it to be necessary to come out in proper person, through the thin vail of Mr. Carter Beverley's agency?

When the alleged overture was made, the election remained undecided. Why did not General Jackson then hold up to universal scorn and indignation the infamous bearer of the proposal, and those who dared to insult his honor, and tamper with his integrity? If he had at that time denounced all the infamous parties concerned, demanded an inquiry in the House of Representatives, and established by satisfactory proof the truth of his accusation, there might and probably would have been a different

result to the election. Why, when at my instance, a committee was on the 5th day of February, 1825 (only four days before the election), appointed to investigate the charges of Mr. Kremer, did not General Jackson present himself and establish their truth? Why, on the 7th of that month, two days before the election, when the committee reported that Mr. Kremer declined to come forward, and that "if they knew of any reason for such investigation, they would have asked to be clothed with the proper power, but not having themselves any such knowledge, they have felt it to be their duty only to lay before the House the communication which they have received;" why did not General Jackson authorize a motion to recommit the report, and manfully come forward with all his information? The Congress of the nation is in session. An important election has devolved on it. All eyes are turned toward Washington. The result is awaited with intense anxiety and breathless expectation. A corrupt proposition affecting the election is made to one of the candidates. He receives it, is advised to accept it, deliberates, decides upon it. A committee is in session to investigate the very charge. The candidate, notwithstanding, remains profoundly silent, and, after the lapse of more than two years, when the period of another election is rapidly approaching, in which he is the only competitor for the office, for the first time, announces it to the American republic! They must have more than an ordinary share of credulity who do not believe that General Jackson labors under some extraordinary delusion.

It is possible that he may urge by way of excuse, for what must be deemed his culpable concealment of meditated corruption, that he did not like to volunteer as a witness before the committee, or to transmit to it the name of his friend, the distinguished member of the House of Representatives, although it is not very easy to discern any just reason for his volunteering now, which would not have applied with more force at that time. But what apology can be made for his failure to discharge his sacred duty as an American senator? More than two months after the alleged overture, my nomination to the office which I now hold, was made to the Senate of the United States, of which General Jackson was then a sworn member. On that nomination he had to deliberate and to act in the most solemn manner. If I were privy to a corrupt proposal to General Jackson, touching the recent election; if I had entered into a corrupt bargain with Mr. Adams to secure his elevation, I was unworthy of the office to which I was nominated; and it was the duty of General Jackson, if he really possessed the information which he now puts forward, to have moved the Senate to appoint a committee of inquiry, and by establishing my guilt, to have preserved the national councils from an abominable contamination. As the conspiracy of George Kremer & Co. had a short time before meanly shrunk from appearing before the committee of the House of Representatives, to make good their charges, I requested a senator of the United States, when my nomination should be taken up, to ask of the Senate the

appointment of a committee of inquiry, unless it should appear to him to be altogether unnecessary. One of our senators was compelled, by the urgency of his private business, to leave Washington before my nomination was disposed of; and as I had but little confidence in the fidelity and professed friendship of the other, I was constrained to present my application to a senator from another State. I was afterward informed that when it was acted upon, General Jackson, and every other senator present, was silent as to the imputation now made; no one presuming to question my honor or integrity. How can General Jackson justify to his conscience or to his country this palpable breach of his public duty? It is in vain to say that he gave a silent negative vote. He was in possession of information which, if true, must have occasioned the rejection of my nomination. It does not appear that any other senator possessed the same information. Investigation was alike due to the purity of the national councils, to me, and, as an act of strict justice, to all the other parties implicated. It is impossible for him to escape from the dilemma that he has been faithless as a senator of the United States, or has lent himself to the circulation of an atrocious calumny.

After the election, General Jackson was among the first who eagerly pressed his congratulations upon his successful rival. If Mr. Adams had been guilty of the employment of impure means to effect his election, General Jackson ought to have disdained to sully his own hands by touching those of his corrupt competitor.

On the 10th of February, 1825, the very next day after the election, General Jackson was invited to a public dinner at Washington, by some of his friends. He expressed to them his wish that he might be excused from accepting the invitation, because, alluding to the recent election, he said, "any evidence of kindness and regard, such as you propose, might, by many, be viewed as conveying with it EXCEPTION, murmuring, and feelings of complaint, which I sincerely hope belong to none of my friends." More than one month after the corrupt proposal is pretended to have been received, and after, according to the insinuation of General Jackson, a corrupt arrangement had been made between Mr. Adams and me; after the actual termination of an election, the issue of which was brought about, according to General Jackson, by the basest means, he was unwilling to accept the honors of a public dinner, lest it should imply even an exception against the result of the election.

General Jackson professes in his letter of the 6th of June—I quote again his words—"to have always intended, should Mr. Clay come out over his own signature, and deny having had any knowledge of the communication made by his friends to my friends, and to me, that I would give him the name of the gentleman through whom that communication came." He pretends never to have seen the Fayetteville letter; and yet the pretext of a denial under my signature is precisely that which had been urged by the principal editors who sustain his cause. If this be an

unconcerted, it is nevertheless a most wonderful coincidence. The general never communicated to me his professed intention, but left me in entire ignorance of his generous purpose; like the overture itself, it was profoundly concealed from me. There was an authorized denial from me, which went to the circle of the public prints, immediately after the arrival at Washington of the Fayetteville letter. In that denial my words are given. They were contained in a letter dated at Washington city on the 18th day of April last, and are correctly stated to have been "that the statement that his (my) friends had made such a proposition as the latter describes to the friends of General Jackson was, as far as he knew or believed, utterly destitute of foundation; that he was unwilling to believe that General Jackson had made any such statement; but that no matter with whom it had originated, he was fully persuaded it was a gross fabrication of the same calumnious character with the Kremer story, put forth for the double purpose of injuring his public character, and propping the cause of General Jackson; and then for himself and his friends he defied the substantiation of the charge before any fair tribunal whatever." Such were my own words, transmitted in the form of a letter from a friend to a known person. Whereas the charge which they repelled was contained in a letter written by a person then unknown to some person also unknown. Did I not deny the charge under my own signature, in my card of the 31st of January, 1825, published in the National Intelligencer? Was not there a substantial denial of it in my letter to Judge Brooke, dated the 28th of the same month? In my circular to my constituents? In my Lewisburg speech? And may I not add, in the whole tenor of my public life and conduct? If General Jackson had offered to furnish me the name of a member of Congress, who was capable of advising his acceptance of a base and corrupt proposition, ought I to have resorted to his infamous and discredited witness?

It has been a thousand times asserted and repeated, that I violated instructions which I ought to have obeyed. I deny the charge; and I am happy to have this opportunity of denying it in the presence of my assembled constituents. The General Assembly requested the Kentucky delegation to vote in a particular way. A majority of that delegation, including myself, voted in opposition to that request. The Legislature did not intend to give an imperative instruction. The distinction between a request and an instruction was familiar to the Legislature, and their rolls attest that the former is always addressed to the members of the House of Representatives, and the latter only to the Senators of the United States.

But I do not rely exclusively on this recognized distinction. I dispute at once the right of the Legislature to issue a mandatory instruction to the representatives of the people. Such a right has no foundation in the Constitution, in the reason or nature of things, nor in the usage of the Kentucky Legislature. Its exercise would be a manifest usurpation. The General Assembly has the incontrovertible right to express its opinions and to pro-

claim its wishes on any political subject whatever; and to such an expression great deference and respect are due; but it is not obligatory. The people, when, in August, 1824, they elected members to the General Assembly, did not invest them with any power to regulate or control the exercise of the discretion of the Kentucky delegation in the Congress of the United States. I put it to the candor of every elector present, if he intended to part with his own right, or anticipated the exertion of any such power, by the Legislature, when he gave his vote in August, 1824?

The only instruction which I received from a legitimate source, emanated from a respectable portion of my immediate constituents; and that directed me to exercise my own discretion, regardless of the will of the Legislature. You subsequently ratified my vote by unequivocal demonstrations, repeatedly given, of your affectionate attachment and your unshaken confidence. You ratified it two years ago, by the election of my personal and political friend (Judge Clarke) to succeed me in the House of Representatives, who had himself subscribed the only legitimate instruction which I received. You ratify it by the presence and the approbation of this vast and respectable assemblage.

I rejoice again and again, that the contest has at last assumed its present practical form. Heretofore, malignant whispers and dark surmise have been clandestinely circulated, or openly or unblushingly uttered by irresponsible agents. They were borne upon the winds, and like them were invisible and intangible. No responsible man stood forward to sustain them, with his acknowledged authority. They have at last a local habitation and a name. General Jackson has now thrown off the mask, and comes confessedly forth from behind his concealed batteries, publicly to accuse and convict me. We stand confronted before the American people. Pronouncing the charges, as I again do, destitute of all foundation, and gross aspersions, whether clandestinely or openly issued from the halls of the capitol, the saloons of the Hermitage, or by press, by pen, or by tongue, and safely resting on my conscious integrity, I demanded the witness, and await the event with fearless confidence.

The issue is fairly joined. The imputed offense does not comprehend a single friend, but the collective body of my friends in Congress; and it accuses them of offering, and me with sanctioning, corrupt propositions, derogating from honor, and in violation of the most sacred duties. The charge has been made after two years' deliberation. General Jackson has voluntarily taken his position, and without provocation. In voting against him as President of the United States, I gave him no just cause of offense. I exercised no more than my indisputable privilege, as on a subsequent occasion, of which I have never complained, he exercised his in voting against me as Secretary of State. Had I voted for him, I must have gone counter to every fixed principle of my public life. I believed him incompetent, and his election fraught with danger. At this early period of the republic, keeping steadily in view the dangers which had overturned every

other free state, I believed it to be essential to the lasting preservation of our liberties, that a man, devoid of civil talents, and offering no recommendation but one founded on military service, should not be selected to administer the government. I believe so yet; and I shall consider the days of the commonwealth numbered, when an opposite principle is established. I believed, and still believe, that now, when our institutions are in comparative infancy, is the time to establish the great principle, that military qualification alone is not a sufficient title to the presidency. If we start right, we may run a long race of liberty, happiness, and glory. If we stumble in setting out, we shall fall as others have fallen before us, and fall without even a claim to the regrets or sympathies of mankind.

I have never done General Jackson, knowingly, any injustice. I have taken pleasure, on every proper occasion, to bestow on him merited praise, for the glorious issue of the battle of New Orleans. No American citizen enjoyed higher satisfaction than I did with the event. I heard it for the first time on the boulevards of Paris; and I eagerly perused the details of the actions, with the anxious hope that I should find that the gallant militia of my own State had avenged, on the banks of the Mississippi, the blood which they had so freely spilt on the disastrous field of Raisin. That hope was not then gratified; and although I had the mortification to read in the official statement, that they ingloriously fled, I was nevertheless thankful for the success of the arms of my country, and felt grateful to him who had most contributed to the ever-memorable victory. This concession is not now made for the purpose of conciliating the favor or mitigating the wrath of General Jackson. He has erected an impassable barrier between us, and I would scorn to accept any favor at his hands. I thank my God that He has endowed me with a soul incapable of apprehensions from the anger of any being but himself.

I have, as your representative, freely examined, and in my deliberate judgment, justly condemned the conduct of General Jackson in some of our Indian wars. I believed and yet believe him to have trampled upon the Constitution of his country, and to have violated the principles of humanity. Entertaining these opinions, I did not and could not vote for him.

I owe you, my friends and fellow-citizens, many apologies for this long interruption of the festivities of the day. I hope that my desire to vindicate their honored object, and to satisfy you that he is not altogether unworthy of them, will be deemed sufficient.

DANGER OF THE MILITARY SPIRIT IN A REPUBLIC.

BALTIMORE, MAY 13, 1828.

[THE last of four years was now *in transitu*, since Mr. Clay had committed the mortal offense of using his vote and influence for the election to the presidency of John Quincy Adams, and since he had entered on the duties of Secretary of State. The whole of this time had been occupied by General Jackson and his party in endeavoring to convince the American people that the hero of New Orleans had been deprived of his just rights in the election of Mr. Adams, by a bargain between Mr. Clay and Mr. Adams. They would not consent to lose the benefit of this charge by accepting a challenge to prove it, as they knew they must fail in it. All they would say, was: Mr. Adams was made president, and Mr. Clay was made Secretary of State; and the charge was, that they had bargained with each other for these places respectively. This charge was so managed that a majority of the people believed it, and waited only for the next presidential election to avenge the wrongs of their military chieftain. In such a contest, the military spirit took possession of the heart of the nation. It was in the midst of this campaign that the following speech was delivered, at a dinner with his friends at Baltimore, in reply to the following toasts:

1. The President of the United States.

2. A great statesman has said, "What is a public man worth, who will not suffer for his country?" We have seen a public man sacrifice much for his country, and rise resplendently triumphant over the calumnies of his enemies.]

MR. CLAY then rose, and said, Although I have been required, by the advice of my physicians, to abstain from all social entertainments, with their consequent excitements, I can not leave Baltimore, without saying a few words, by way of public acknowledgment, for the cordial congratulations with which I have been received during my present visit. I am not so vain, indeed, as to imagine that any personal considerations have

prompted the enthusiastic demonstrations by which my approach to this city, and my short sojourn, have been so highly distinguished. Their honored object, has, it is true, some claims upon the justice, if not the sympathy, of a generous, intelligent, and high-minded people. Singled out for proscription and destruction, he has sustained all the fury of the most ferocious attacks. Calumnious charges, directed against the honor of his public character, dearer than life itself, sanctioned and republished by one who should have scorned to lend himself to such a vile purpose, have been echoed by a thousand profligate or deluded tongues and presses. Supported by the consciousness of having faithfully discharged his duty, and defended by the virtue and intelligence of an enlightened people, he has stood firm and erect amid all the bellowings of the political storm. What is a public man, what is any man worth, who is not prepared to sacrifice himself, if necessary, for the good of his country?

But, continued Mr. Clay, the demonstrations which I have here witnessed, have a higher and a nobler source, than homage to an individual: they originate from that cause with which I am an humble associate—the cause of the country—the cause of the Constitution—the cause of free institutions. They would otherwise be unworthy of freemen, and less gratifying to me. I am not, I hope, so uncharitable as to accuse all the opponents of that cause with designs unfriendly to human liberty. I know that they make, many of them sincerely, other professions. They talk, indeed, of republicanism, and some of them impudently claim to be the exclusive republican party! Yes! we find men who, but yesterday, were the foremost in other ranks, upon whose revolting ears the grating sound of republicanism ever fell, and upon whose lips the exotic word still awkwardly hangs, now exclaiming, or acquiescing in the cry, that they are the republican party! I had thought if any one, more than all other principles, characterized the term republican party, it was their ardent devotion to liberty, to its safety, to all its guaranties. I had supposed, that the doctrines of that school taught us to guard against the danger of standing armies, to profit by the lessons which all history inculcates, and never to forget that liberty and the predominance of the military principle, were utterly incompatible. The republican party! In this modern, new-fangled, and heterogeneous party, Cromwell and Cæsar have recently found apologists. The judgment of centuries is reversed; long-established maxims are overturned; the Ethiopian is washed white; and the only genuine lovers of liberty were the Philips, the Cæsars, the Cromwells, the Mariuses, and the Syllas, of former ages.

It is time for slumbering patriotism to awake, when such doctrines as these are put forth from the capitol, and from popular assemblies. It is time that the real republican party (I speak not of former divisions, springing from causes no longer existing, and which are sought to be kept up by some men in particular places, only for sinister purposes)—that party, under whatever flag its members may have heretofore acted, that party

which loves freedom, for freedom's sake—justly to estimate the impending perils, and to proceed with an energy, and union, called for by the existing crisis in the republic. Regardless of all imputations, and proud of the opportunity of free and unrestrained intercourse with all my fellow-citizens, if it were physically possible, and compatible with my official duties, I would visit every State, go to every town and hamlet, address every man in the Union, and entreat them, by their love of country, by their love of liberty, for the sake of themselves and their posterity—in the name of their venerated ancestors, in the name of the human family, deeply interested in the fulfillment of the trust committed to their hands—by all the past glory which we have won—by all that awaits us as a nation—if we are true and faithful in gratitude to Him who has hitherto so signally blessed us—to pause—solemnly pause—and contemplate the precipice which yawns before us! If, indeed, we have incurred the divine displeasure, and it be necessary to chastise this people with the rod of vengeance, I would humbly prostrate myself before Him, and implore His mercy, to visit our favored land with war, with pestilence, with famine, with any scourge other than military rule, or a blind and heedless enthusiasm for mere military renown.

Gentlemen, I wish I had strength to expatiate on this interesting subject; but I am admonished by the state of my health, to desist. I pray you to accept my thanks for the sentiment with which you have honored me, and your permission to offer one which I hope will be approved by you:

GENUINE REPUBLICANS, of every faith, who, true to the cause of liberty, would guard it against all pernicious examples.

MR. J. Q. ADAMS'S ADMINISTRATION.

CINCINNATI, AUGUST 23, 1828.

[THE following speech is chiefly devoted to a vindication of the administration of Mr. J. Q. Adams, of which Mr. Clay was a member. Being on a journey from Ashland to Washington, and forced to take Cincinnati in his way, he could not avoid the attentions of the people, who thronged by thousands to see and hear him, as he passed through Cincinnati. It was now the eve of the presidential election, when Mr. Adams and General Jackson were the two opposing candidates. Besides the great staple of Bargain and Corruption, in which the Jackson party traded so furiously, Mr. Adams's administration and tariff policy were assailed—all of which, as will be seen, are noticed by Mr. Clay.]

MR. CHAIRMAN—Although it is not entirely compatible with the precautions which are enjoined by the delicate state of my health, to which you have so obligingly alluded, to present myself in this attitude, I can not refrain from making a public expression to you, and to my fellow-citizens here assembled, of my profound acknowledgments for the hearty welcome and the cordial, spontaneous, and enthusiastic manifestation of respect and attachment with which my present visit to your city has been attended. It has been frequently, but not less truly said, that the highest reward for public service, is the approbation of the public. The support of public opinion is the greatest incentive to the faithful and beneficial discharge of official duty. If, as you have truly suggested, it has been my misfortune for several years to have been abused and assailed without example, I have nevertheless had the satisfaction to have been cheered and sustained, in all parts of the Union, by some of the best and most virtuous men in it. And I seize with pleasure this occasion to say, that even among my political opponents, many of the most moderate and intelligent have done me the justice to discredit and discountenance the calumnies of which I have been the object. But nowhere have I found more constant, ardent, and effective friends, than in this city. I thank them most heartily for all their friendly sentiments and exertions.

Whatever may be the issue of the contest which at present unhappily divides and distracts our country, I trust that the beneficial system, to which you

have referred, will survive the struggle, and continue to engage the affections, and to cheer and animate the industry of the people of the United States. It has indeed been recently attacked in another quarter of the Union, by some of our fellow-citizens, with a harshness and intemperance which must everywhere excite the patriot's regret. It has been denounced as if it were a new system, that sprung into existence but yesterday, or at least with the present administration, if not during the last session of Congress. But it owes its origin to a much earlier date. The present administration, though sincerely attached to it, and most anxious for its preservation, has not the merit of having first proposed or first established it. The manufacturing system was quickened into existence by the commercial restrictions which preceded the late war with Great Britain, and by that greatest of them all, the war itself. Our wants, no longer supplied from abroad, must have been supplied at home, or we must have been deprived of the necessaries and comforts of civilization, if we had not relapsed into a state of barbarism. The policy of Jefferson and Madison fostered, if it did not create, the manufactures of our country. The peace brought with it a glut of foreign fabrics, which would have prostrated our establishments, if government had been capable of unjustly witnessing such a spectacle without interposing its protective power. Protection, therefore, was not merely called for by the substantial independence of our country, but it was a parental duty of government to those citizens who had been tempted by its restrictive policy to embark all their hopes and fortunes in the business of manufacturing. Twelve years ago Congress took up the subject and after long and mature deliberation, solemnly decided to extend that measure of protection which was alike demanded by sound policy and strict justice. Then the foundations were laid of the American system; and all that has been subsequently done, including the act of the last session of Congress, are but the consequences of the policy then deliberately adopted, having for their object the improvement and perfection of the great work then begun. It is not the least remarkable of the circumstances of these strange times, that some who assisted in the commencement, who laid corner-stones of the edifice, are now ready to pull down and demolish it.

It is not the fact of the existence of an opposition to the tariff that can occasion any inquietude; nor that of large and respectable assemblies of the people, to express their disapprobation of the policy, and their firm resolution to consume only the produce of their own industry. These meetings are in the true spirit of our free institutions, and that resolution is in the true spirit of the American system itself. But what must excite deep regret is, that any persons should allow themselves to speak of open and forcible resistance to the government of their country, and to threaten a dissolution of the Union. What is the state of the case? A great measure of national policy is proposed; it is a subject of discussion for a period of twelve years, in the public prints, in popular assemblies, in polit-

ical circles, and in the Congress of the United States. That body, after hearing the wishes and wants of all parts of the Union, fairly stated by their respective representatives, decides by repeated majorities, to adopt the measure. It is accordingly put into successful operation, improved from time to time, and is rapidly fulfilling all the hopes and expectations of its friends. In this encouraging condition of things, a small number of the citizens composing the minority (for I will not impute to the great body of the minority any such violent purposes), threaten the employment of force, and the dissolution of the Union! Can any principle be more subversive of all government, or of a tendency more exceptionable and alarming. It amounts to this, that whenever any portion of the community finds itself in a minority, in reference to any important act of the government, and by high coloring and pictures of imaginary distress, can persuade itself that the measure is oppressive, that minority may appeal to arms, and if it can, dissolve the Union. Such a principle would reverse the established maxim of representative government, according to which, the will of the majority must prevail. If it were possible that the minority could govern and control, the Union may be indeed as well be dissolved; for it would not then be worth preserving. The conduct of an individual would not be more unwise and suicidal, who, because of some trifling disease afflicting his person should, in a feverish and fretful moment, resolve to terminate his existence.

Nothing can be more unfair and ridiculous than to compare any of the acts of the Congress of the United States, representing all, and acting for all, to any of the acts of the British Parliament which led to our Revolution. The principle on which the colonies seceded was, that there should be no taxation without representation. They were not represented in the British Parliament, and to have submitted to taxation would have been to have submitted to slavery, and to have surrendered the most valuable privileges of freemen. If the colonies had been fairly represented in the British Parliament, and equal taxes, alike applicable to all parts of the British empire, had been impossd by a majority, a case of remote analogy to any act of Congress to which a minority is opposed might be deduced from the history of the Revolution. But every State of this confederacy is fairly represented, and has the faculty of being fully heard in the Congress of the United States. The representation has been regulated by a joint principle of distribution, the result of a wise spirit of mutual compromise and concession, which I hope never to see disturbed, of which none can justly complain, and least of all those citizens who have resorted to threats of an appeal to arms and disunion.

But there is, I hope and believe, no reason to apprehend the execution of those empty threats. The good sense, the patriotism, and the high character of the people of South Carolina, are sure guaranties for repressing, without aid, any disorders, should any be attempted within her limits. The spirit of Marion, and Pickens, and Sumpter, of the Rutledges, the

Pinckneys, and of Lowndes, yet survives, and animates the high-minded Carolinians. The Taylors, and the Williamses, and their compatriots of the present day, will be able to render a just account of all, if there be any who shall dare to raise their parricidal hands against the peace, the Constitution, and the union of the States. Rebuked by public opinion—a sufficient corrective—and condemned by their own sober reflections, the treasonable purpose will be relinquished, if it were ever seriously contemplated by any.

I have no fears for the permanency of our Union, while our liberties are preserved. It is a tough and strong cord, as all will find who shall presumptuously attempt to break it. It has been competent to suppress all the domestic insurrections, and to carry us safely through all the foreign wars with which we have been afflicted since it was formed, and it has come out of each with more strength, and greater promise of durability. It is the choicest political blessing which, as a people, we enjoy, and I trust and hope that Providence will permit us to transmit it, unimpaired, to posterity, through endless generations.

I thank you, Mr. Chairman, for the flattering opinion which you have expressed of my public services, and especially of those which I have endeavored to render to the West. While I am sensible that you appreciate them much too highly, it is at the same time true, that I have sought, on all occasions that appeared to me proper, to advance the interests of that section, of which I am proud to be a citizen, whenever I have thought it could be done without prejudice to the predominant interests of the whole. I have, nevertheless, in several important instances, given my most zealous support to measures (the navy, and the late war, for example) in which the West could not be regarded as having any distinct or other interest, than that which belongs to the honor, the prosperity, and the character, of the whole confederacy. During the short period of the present administration, I hope I may be permitted to say, without meaning to claim for it exclusive merit, that more has been done and recommended for the West, than ever was done during the whole preceding period of our present Constitution, with the exception only of the acquisition of Louisiana, under the administration of Mr. Jefferson. I have not strength or time to enter into details to establish the general proposition; but those who will take the trouble to examine the appropriations of land and of money, for objects of internal improvement and education, the measures which have been adopted or recommended, in respect to the public domain, the judiciary, and so forth, will find that proposition fully sustained.

There are here many who, by a too flattering estimate of my capacity, decided me worthy of the office of chief magistrate, and, during the last presidential canvass, honored me with their support. To them I take this occasion to say, that, if instead of the present abused chief magistrate, they had obtained the preference, the measures of the administration would not have been, in any essential particular, different from those which have been

adopted. All the principal acts and measures of the existing administration, have met with my hearty and humble concurrence.

Cultivating a farm in Kentucky, and having other objects of private concern, I have found it necessary, both on that account, and the relaxation from official business, indispensable to the preservation of health, annually to visit this quarter of the Union during the period of my connection with the executive of the United States. In these visits, I have frequently met large portions of my fellow-citizens, upon their friendly and pressing invitations. My object has been called in question, and my motive assailed. It has been said, that my purpose was electioneering. If it be intended to charge me with employing improper or dishonorable acts, to secure my election, I deny the charge, and disclaim the purpose. I defy my most malignant enemies to show that I ever, during any period of my life, resorted to such acts to promote my own election, or that of any other person. I have availed myself of these assemblies, and of other opportunities, to defend myself against an accusation, publicly made, and a thousand times repeated. I had a right to do this by the immutable laws of self-defense. My addresses to the public, heretofore, have been generally strictly defensive. If they have ever given pain to any of my adversaries, they must reproach themselves with its infliction. There is one way, and but one way, in which they can silence me. My traducers have attributed to me great facility in making a bargain. Whether I possess it or not, there is one bargain which, for their accommodation, I am willing to enter into with them. If they will prevail upon their chief to acknowledge that he has been in error, and has done me injustice, and if they will cease to traduce and abuse me, I will no longer present myself before public assemblies, or in public prints, in my own defense. That is one bargain which I have no expectation of being able to conclude; for men who are in a long-established line of business, will not voluntarily quit their accustomed trade, and acknowledge themselves bankrupts to honor, decency, and truth.

Some who have persuaded themselves that they saw in my occasional addresses to the people, incompatibility with the dignity and reserve belonging to the office I hold, I know not according to what standard, (it can hardly be any deduced from a popular representative government), these gentlemen have regulated their opinions. True dignity appears to me to be independent of office or station. It belongs to every condition; but if there be a difference between private and public life, the more exalted the station, the greater is the obligation of the public functionary, in my humble judgment, to render himself amiable, affable, and accessible. The public officer who displays a natural solicitude to defend himself against a charge deeply affecting his honor and his character, manifests, at the same time, a just respect for the community. It is, I think, an erroneous judgment of the nature of office, and its relations, to suppose that it imposes the duty on the officer, of abstracting himself from society, and a stiff and

stately port. Without, I hope, forgetting what was due to myself, my habit, throughout life, has been that of friendly, free, and frank intercourse with my fellow-citizens. I have not thought it necessary to change my personal identity in any of the various offices through which I have passed, or to assume a new character. It may not be easy to draw the line, as to the occasions in which a man should remain silent, or defend himself. In the general, it is better perhaps, that he should leave his public acts, and the measures which he espouses or carries, to their own vindication; but if his integrity be questioned, and dishonorable charges, under high and imposing names, be preferred against him, he can not remain silent without a culpable insensibility to all that is valuable in human life.

Sir, I feel that I have trespassed too much, both upon you and myself. If prudence were a virtue of which I could boast, I should have spared both you and me. But I could not deny myself the gratification of expressing my thanks to my Cincinnati friends for the numerous instances which I have experienced of their kind and respectful consideration. I beg you, and every gentleman here attending, to accept my acknowledgments; and I especially owe them to the gentlemen of the committee, who did me the honor to meet me at Louisville, and accompany me to this city. Whatever may be my future destiny, while my faculties are preserved, I shall cherish a proud and grateful recollection of these testimonies of respect and attachment.

ON RETIRING FROM OFFICE.

WASHINGTON, MARCH 7, 1829.

[When Mr. Clay left the State Department for home, in the spring of 1829, he met his friends at a dinner, when the following toast was given:

"Health, prosperity, and happiness to our highly-valued and esteemed guest and fellow-citizen, Henry Clay. Whatever the future destination of his life, he has done enough for honor, and need desire no higher reward than the deep-seated affection and respect of his friends and his country."

To which Mr. Clay responded as follows. His allusion to General Jackson, and the dilemma in which he places him, will be read with deep interest.]

In rising, Mr. President, to offer my respectful acknowledgments for the honors of which I am here the object, I must ask the indulgence of yourself and the other gentlemen now assembled, for an unaffected embarrassment, which is more sensibly felt than it can be distinctly expressed. This city has been the theater of the greater portion of my public life. You, and others whom I now see, have been spectators of my public course and conduct. You and they are, if I may borrow a technical expression from an honorable profession of which you and I are both members, jurors of the vicinage. To a judgment rendered by those who have thus long known me, and by others though not of the panel, who have possessed equal opportunities of forming correct opinions, I most cheerfully submit. If the weight of human testimony should be estimated by the intelligence and repectability of the witness, and the extent of his knowledge of the matter on which he testifies, the highest consideration is due to that which has been this day spontaneously given. I shall ever cherish it with the most grateful recollection, and look back upon it with proud satisfaction.

I should be glad to feel that I could with any propriety abstain from any allusion at this time and at this place, to public affairs. But considering the occasion which has brought us together, the events which have preceded it, and the influence which they may exert upon the destinies of our country, my silence might be misinterpreted, and I think it therefore proper that I should embrace this first public opportunity which I have had of

saying a few words, since the termination of the late memorable and embittered contest. It is far from my wish to continue or revive the agitation with which that contest was attended. It is ended, for good or for evil. The nation wants repose. A majority of the people has decided, and from their decision there can and ought to be no appeal. Bowing, as I do, with profound respect to them, and to this exercise of their sovereign authority, I may nevertheless be allowed to retain and express my own unchanged sentiments, even if they should not be in perfect coincidence with theirs. It is a source of high gratification to me to believe that I share these sentiments in common with more than half a million of freemen, possessing a degree of virtue, of intelligence, of religion, and of genuine patriotism, which, without disparagement to others, is unsurpassed, in the same number of men in this or any other country, in this or any other age.

I deprecated the election of the present President of the United States, because I believed he had neither the temper, the experience, nor the ttainments requisite to discharge the complicated and arduous duties of chief magistrate. I deprecated it still more, because his elevation, I believed, would be the result exclusively of admiration and gratitude for military service, without regard to indispensable civil qualifications. I can neither retract, nor alter, nor modify any opinion which, on these subjects, I have at any time heretofore expressed. I thought I beheld in his election an awful foreboding of the fate which, at some future (I pray to God that, if it ever arrive, it may be some far distant) day, was to befall this infant republic. All past history has impressed on my mind this solemn apprehension. Nor is it effaced or weakened by cotemporaneous events passing upon our own favored continent. It is remarkable that, at this epoch, at the head of eight of the nine independent governments established in both Americas, military officers have been placed, or have placed themselves. General Lavalle has, by military force, subverted the republic of La Plata. General Santa Cruz is the chief magistrate of Bolivia; Colonel Pinto, of Chili; General Lamar of Peru; and General Bolivar, of Colombia. Central America, rent in pieces, and bleeding at every pore, from wounds inflicted by contending military factions, is under the alternate sway of their chiefs. In the government of our nearest neighbor, an election, conducted according to all the requirements of their Constitution, has terminated with a majority of the States in favor of Pedrazza, the civil candidate. An insurrection was raised in behalf of his military rival; the cry, not exactly of a bargain, but of corruption, was sounded; the election was annulled, and a reform effected by proclaiming General Guerrero, having only a minority of the States, duly elected president. The thunders from the surrounding forts, and the acclamations of the assembled multitude, on the 4th, told us what general was at the head of our affairs. It is true, and in this respect we are happier than some of the American States, that his election has not been brought about by military violence. The forms of the Constitution have yet remained inviolate.

In re-asserting the opinions which I hold, nothing is further from my purpose than to treat with the slightest disrespect those of my fellow-citizens, here or elsewhere, who may entertain opposite sentiments. The fact of claiming and exercising the free and independent expression of the dictates of my own deliberate judgment, affords the strongest guaranty of my full recognition of their corresponding privilege.

A majority of my fellow-citizens, it would seem, do not perceive the dangers which I apprehend from the example. Believing that they are not real, or that we have some security against their effect, which ancient and modern republics have not found, that majority, in the exercise of their incontestable right of suffrage, have chosen for chief magistrate a citizen who brings into that high trust no qualification other than military triumphs.

That citizen has done me much injustice—wanton, unprovoked, and unatoned injustice. It was inflicted, as I must ever believe, for the double purpose of gratifying private resentment and promoting personal ambition. When, during the late canvass, he came forward in the public prints under his proper name, with his charge against me, and summoned before the public tribunal his friend and his only witness to establish it, the anxious attention of the whole American people was directed to the testimony which that witness might render. He promptly obeyed the call and testified to what he knew. He could say nothing, and he said nothing, which cast the slightest shade upon my honor or integrity. What he did say was the reverse of any implication of me. Then all just and impartial men, all who had faith in the magnanimity of my accuser, believed that he would voluntarily make a public acknowledgment of his error. How far this reasonable expectation has been fulfilled, let his persevering and stubborn silence attest. But my relations to that citizen by a recent event are now changed. He is the chief magistrate of my country, invested with large and extensive powers, the administration of which may conduce to its prosperity or occasion its adversity. Patriotism enjoins as a duty, that while he is in that exalted station, he should be treated with decorum, and his official acts be judged of in a spirit of candor. Suppressing, as far as I can, a sense of my personal wrong; willing even to forgive him, if his own conscience and our common God can acquit him; and entertaining for the majority which has elected him, and for the office which he fills, all the deference which is due from a private citizen; I most anxiously hope, that under his guidance the great interests of our country, foreign and domestic, may be upheld, our free institutions be unimpaired, and the happiness of the nation be continued and increased.

While I am prompted by an ardent devotion to the welfare of my country, sincerely to express this hope, I make no pledges, no promises, no threats, and I must add, I have no confidence. My public life, I trust, furnishes the best guaranty for my faithful adherence to those great principles of external and internal policy, to which it has been hitherto zealously dedi-

cated. Whether I shall ever hereafter take any part in the public councils or not, depends upon circumstances beyond my control. Holding the principle that a citizen, as long as a single pulsation remains, is under an obligation to exert his utmost energies in the service of his country, if necessary, whether in private or public station, my friends, here and everywhere, may rest assured that, in either condition, I shall stand erect, with a spirit unconquered, while life endures, ready to second their exertions in the cause of liberty, the Union, and the national prosperity.

Before I sit down, I avail myself with pleasure of this opportunity to make my grateful acknowledgments, for the courtesies and friendly attentions which I have uniformly experienced from the inhabitants of this city. A free and social intercourse with them, during a period of more than twenty years, is about to terminate, without any recollection on my part of a single painful collision, and without leaving behind me, as far as I know, a solitary personal enemy. If, in the sentiment with which I am about to conclude, I do not give a particular expression to the feelings inspired by the interchange of civilities and friendly offices, I hope the citizens of Washington will be assured that their individual happiness and the growth and prosperity of this city will ever be objects of my fervent wishes. In the sentiment which I shall presently offer, they are indeed comprehended. For the welfare of this city is indissolubly associated with that of our Union, and the preservation of our liberty. I request permission to propose,

LET US NEVER DESPAIR OF THE AMERICAN REPUBLIC.

BEGINNING OF JACKSON'S ADMINISTRATION.

LEXINGTON, MAY 16, 1829.

[THE following speech will be read with interest on several accounts. It finds Mr. Clay in private life, after the labors of four years in the State Department, and after four years of a relentless persecution, in which he was chased, as a pack of hounds, with open mouth, chase their game in the forest—with this difference, that Mr. Clay was not run down. But the barking never ceased—never relaxed—but was more noisy and earnest to the last. Why Mr. Adams should not have had an equal share as an object of this hot pursuit, having been equal in the offense, as charged, was probably because he was less formidable as a rival of General Jackson. In killing Mr. Clay, for the reasons assigned, they of course disposed of Mr. Adams. All the hostile batteries of this four years' contest were pointed directly at Mr. Clay. The battle over, and General Jackson president, Mr. Clay finds himself in private life, with no views or aspirations for the future, if we may judge from what he said on this occasion. For the present, he declines all the wishes of his former constituents, to return to Congress, or to go into the State Legislature, where, at this time, he was especially needed. But his health was seriously impaired, and he needed repose. His private affairs, too, required his attention.

But his old constituents wanted to hear him speak on public affairs, and they gave him a public dinner at Fowler's Garden, where an immense concourse assembled to meet him, on the 16th of May, a little over two months after General Jackson's inauguration. Many of his political opponents were there, who meekly received what he had to say of their military chieftain, who had not been two months in power without using it as no other chief magistrate had ever done, and which Mr. Clay was forced to notice with severe animadversion. General Jackson had commenced a system of removal from office and of appointments on a large scale, to give the places made vacant to

those who had served him personally. It was a bold innovation in the history of the government, which Mr. Clay thought would be of pernicious consequence; and so it has proved; for the practice, since that time, has been, for every new administration of different politics from the preceding one, to clear out the incumbents of office, who have served their apprenticeship, and become qualified to serve the country, and instal in their places men who, in their turn, after having learned to do their work, are also superseded on the incoming of a new administration. Even foreign ministers are changed, at great expense to the country, by means of allowances made for new outfits and the duplication of salaries. In this way, the expenses of the foreign ministers of the country are nearly or quite doubled over and above the intention of law, and the government is represented abroad by men sometimes almost totally unfit for their stations, till our foreign diplomatic agents have sunk to the lowest grade of respectability, and become the subjects of contempt among the skilled diplomatists of other nations. In this manner, both the home and foreign service of our government has become the poorest in the world—all from this innovation of General Jackson, which forms so considerable a topic of the following speech.

The Ostend Manifesto is a notable and disgraceful instance of American diplomacy—which, indeed, is no diplomacy at all, but a violation of all rules of the art. The high art of diplomacy is to conceal, not to divulge, the policy of the nation represented; whereas this Ostend Manifesto is entirely without the pale of diplomacy, being a gratuitous and shameful exposure of a policy which should never have been named, even if it had been entertained. Foreign ministers, departing in this manner from the specific instructions given them to the governments whither they were sent, and exposing the policy of their country to a universal reprobation of all the world, should have been instantly recalled, and suitably rebuked for going outside of their instructions, and publishing to the world what will forever be the shame of the American nation. To such a humiliating depth of infamy have our foreign diplomatists brought us—all for being ignorant of the art of diplomacy. We could better afford a bad home service, by this frequent turning out of men who have just learned to fill their places, and the putting in of persons totally unqualified for their duties. But for a nation to be subject to both these evils, to such an alarming extent, is a

cost which no nation can long endure—certainly ought not to be doomed to, when it can be better served, both at home and abroad. The introduction of this pernicious system is well exposed by Mr. Clay, in reply to the following toast, given to his honor on this occasion:

"Our distinguished guest, friend, and neighbor, HENRY CLAY: with increased proofs of his worth, we delight to renew the assurance of our confidence in his patriotism, talents, and incorruptibility. May health and happiness attend him in retirement, and a grateful nation do justice to his virtues."]

I FEAR, friends and fellow-citizens, that if I could find language to express the feelings which now animate me, I could not be heard throughout this vast assembly. My voice, once strong and powerful, has had its vigor impaired by delicate health and advancing age. You must have been separated, as I have been, for four years past, from some of your best and dearest friends, with whom during the greater part of your lives, you had associated in the most intimate friendly intercourse; you must have been traduced, as I have been, after exerting with zeal and fidelity the utmost of your powers to promote the welfare of our country; and you must have returned among those warm-hearted friends, and been greeted and welcomed and honored by them, as I have recently been, before you could estimate the degree of sensibility which I now feel, or conceive how utterly inadequate all human language is to portray the grateful emotions of my heart. I behold gathered here, as I have seen in other instances since my return among you, sires far advanced in years, endeared to me by interchange of friendly office and sympathetic feeling beginning more than thirty years ago. Their sons, grown up during my absence in the public councils, accompanying them; and all, prompted by ardent attachment, affectionately surrounding and saluting me, as if I belonged to their own household. Considering the multitude here assembled, their standing and respectability, and the distance which many have come personally to see me, and to testify their respect and confidenee, I consider this day and this occasion as the proudest of my life. The tribute, thus rendered by my friends, neighbors, and fellow-citizens, flows spontaneously from their hearts, as it penetrates the inmost recesses of mine. Tendered in no servile spirit, it does not aim to propitiate one in authority. Power could not buy or coerce it. The offspring of enlightened and independent freemen, it is addressed to a beloved fellow-citizen in private life, without office, and who can present nothing in return but his hearty thanks. I pray all of you, gentlemen, to accept these. They are due to every one of you for the sentiment just pronounced, and for the proceedings of this day. And I owe a particular expression of them to that portion of my friends, who, although I had the misfortune to differ from them in the late contest, have

honored me by their attendance here. I have no reproaches to make them. Regrets I have; but I give, as I have received from them, the hand of friendship as cordially as it is extended to any of my friends. It is highly gratifying to me to know, that they, and thousands of others who co-operated with them in producing the late political change, were unaffected toward me by the prejudice attempted to be excited against me. I entertain too high respect for the inestimable privilege of freely exercising one's independent judgment on public affairs, to draw in question the right of any of my fellow-citizens to form and to act upon their opinions in opposition to mine. The best and wisest among us are, at best, but weak and fallible human beings. And no man ought to set up his own judgment as an unerring standard, by which the correctness of all others is to be tested and tried.

It can not be doubted that, with individual exceptions, the great body of every political party that has hitherto appeared in this country, has been honest in its intentions, and patriotic in its aims. Whole parties may have been sometimes deceived and deluded, but without being conscious of it; they no doubt sought to advance the welfare of the country. Where such a contest has existed as that which we have recently witnessed, there will be prejudices on the one side, and predilections on the other. If, during its progress, we can not calm the passions, and permit truth and reason to have their undisturbed sway, we ought, at least, after it has terminated, to own their empire. Judging of public men and public measures in a spirit of candor, we should strive to eradicate every bias, and to banish from our minds every consideration not connected with the good of our country.

I do not pretend to be, more than other men, exempt from the influence of prejudice and predilection. But I declare most sincerely, that I have sought, in reference to the present administration, and shall continue to strive, to discard all prejudices, and to judge its acts and measures as they appear to me to affect the interests of our country.

A large portion of my friends and fellow-citizens, from whom I differed on the late occasion, did not disagree with me as to the foreign or domestic policy of government. We only differed in the selection of agents to carry that policy into effect. Experience can alone determine who was right. If that policy continues to be pursued under the new administration, it shall have as cordial support from me, as if its care had been confided to agents of my choice. If, on the contrary, it shall be neglected or abandoned, the friends to whom I now refer will be bound by all the obligations of patriotism and consistency to adhere to the policy.

We take a new commencement from the 4th of March last. After that day, those who supported the election of the present chief magistrate were left as free to judge of the conduct of its administration, as those who opposed. It will be no more inconsistent in them, if it disappoint their expectations, to disapprove his administration, than it will be to sup-

port it, if, disappointing ours, he should preserve the established policy of the nation, and introduce no new principles of alarming tendency.

They bestowed their suffrages upon the supposition that the government would be well administered; that public pledges would be redeemed, solemn professions be fulfilled, and the rights and liberties of the people be protected and maintained. If they shall find themselves deceived in any of these respects; should principles avowed during the canvass be violated during the presidency, and new principles of dangerous import, neither avowed to nor anticipated by them, be put forth, they will have been betrayed; the distinguished individual for whom they voted will have failed to preserve his identity, and they will be urged by the most sacred of duties to apply the proper corrective.

Government is a trust, and the officers of government are trustees; and both the trust and the trustees are created for the benefit of the people. Official incumbents are bound, therefore, to administer the trust, not for their own private or individual benefits, but so as to promote the prosperity of the people. This is the vital principle of a republic. If a different principle prevail, and a government be so administered as to gratify the passions or to promote the interests of a particular individual, the forms of free institutions may remain, but that government is essentially a monarchy. The great difference between the two forms of government is, that in a republic all power and authority, and all public offices and honors, emanate from the people, and are exercised and held for their benefit. In a monarchy, all power and authority, all offices and honors, proceed from the monarch. His interests, his caprices, and his passions, influence and control the destinies of the kingdom. In a republic, the people are every thing, and a particular individual nothing. In a monarchy, the monarch is every thing, and the people nothing. And the true character of the government is stamped, not by the forms of the appointment to office alone, but by its practical operation. If in one, nominally free, the chief magistrate, as soon as he is clothed with power, proceeds to exercise it, so as to minister to his passions, and to gratify his favorites, and systematically distributes his rewards and punishments, in the application of the power of patronage, with which he is invested for the good of the whole, upon the principle of devotion and attachment to him, and not according to the ability and fidelity with which the people are or may be served, that chief magistrate, for the time being, and within the scope of his discretionary powers, is in fact, if not in form, a monarch.

It was objected to the late administration, that it adopted and enforced a system of proscription. During the whole period of it, not a solitary officer of the government, from Maine to Louisiana, within my knowledge, was dismissed on account of his political opinions. It was well known to the late president, that many officers, who held their places subject to the power of dismission, were opposed to his re-election, and were actively employed in behalf of his competitor. Yet not one was discharged from that

cause. In the commencement and early part of his administration, appointments were promiscuously made from all the parties in the previous canvass. And this course was pursued until an opposition was organized, which denounced all appointments from its ranks as being made for impure purposes.

I am aware that it may be urged, that a change was made in some of the publishers of the laws. There are about eighty annually designated. Of these, during the four years of the late administration, about twelve or fifteeen were changed. Some of the changes were made from geographical or other local considerations. In several instances one friend was substituted for another. In others, one opponent for another.

Several papers, among the most influential in the opposition, but otherwise conducted with decorum, were retained. Of the entire number of changes, not more than four or five were made because of the scurrilous character of their papers, and not on account of the political sentiments of the editors. It was deemed injurious to the respect and moral influence, which the laws should always command, that they should be promulgated in the columns of a public paper, parallel with which were other columns, in the same paper, of the grossest abuse of the government and its functionaries.

On this subject I can speak with certainty, and I embrace with pleasure this opportunity for explanation. The duty of designating the printers of the laws appertains to the office which I lately filled. The selection is usually made at the commencement of every session of Congress. It was made by me, without any particular consultation with the president, or any member of his cabinet. In making it, I felt under no greater obligation to select the publisher of the laws of the previous year, than an individual feels himself bound to insert a succeeding advertisement in the same paper which published his last. The law does not require it, but leaves the Secretary of State at liberty to make the selection according to his sense of propriety. A publisher of the laws is not an officer of the government. It has been judicially so decided. He holds no commission. The accuracy of the statement, therefore, that no officer of the government was dismissed by the late administration, in consequence of his political opinions, is not impaired by the few changes of publishers of the laws which were made.

But if they had been officers of government, who could have imagined that those who objected to the removal, would so soon have themselves put in practice a general and sweeping system of exclusion.

The president is invested with the tremendous power of dismission, to be exercised for the public good, and not to gratify any private passions or purposes. It was conferred to prevent the public from suffering through faithless or incompetent officers. It was made summary because, if the slow progress of trial before a judicial tribunal were resorted to, the public might be greatly injured during the progress and prior to, the decision of the case. But it never was in the contemplation of Congress, that the

power would or could be applied to the removal of competent, diligent, and faithful officers. Such an application of it is an act of arbitrary power, and a great abuse.

I regret extremely that I feel constrained to notice the innovation upon the principles and practice of our institutions now in progress. I had most anxiously hoped, that I could heartily approve the acts and measures of the new administration. And I yet hope that it will pause, and hereafter pursue a course more in unison with the spirit of a free government. I entreat my friends and fellow-citizens, here and elsewhere, to be persuaded that I now perform a painful duty; and that it is far from my wish to say one word that can inflict any wound upon the feelings of any of them. I think, indeed, that it is the duty of all of them to exercise their judgments freely and independently on what is passing; and that none ought to feel themselves restrained, by false pride, or by any part which they took in the late election, from condemning what their hearts can not approve.

Knowing the imputations to which I expose myself, I would remain silent if I did not solemnly believe that there was serious cause of alarm in the principle of removal, which has been recently acted on. Hitherto, the uniform practice of the government has been, where charges are preferred against public officers, foreign or domestic, to transmit to them a copy of the charges, for the purpose of refutation or explanation. This has been considered an equitable substitute to the more tedious and formal trials before judicial tribunals. But now, persons are dismissed, not only without trial of any sort, but without charge. And, as if the intention were to defy public opinion, and to give to the acts of power a higher degree of enormity, in some instances the persons dismissed have carried with them, in their pockets, the strongest testimonials to their ability and integrity, furnished by the very instruments employed to execute the purposes of oppression. If the new administration had found these discharged officers wanting in a zealous co-operation to execute the laws, in consequence of their preference at the preceding election, there would have been ground for their removal. But this has not been pretended; and to show that it formed no consideration, they have been dismissed among its first acts, without affording them an opportunity of manifesting that their sense of public duty was unaffected by the choice which they had at the preceding election.

I will not dwell on the injustice and individual distress which are the necessary consequences of these acts of authority. Men who accepted public employments entered on them with the implied understanding, that they would be retained as long as they continued to discharge their duties to the public honestly, ably, and assiduously. All their private arrangements are made accordingly. To be dismissed without fault, and without trial; to be expelled, with their families, without the means of support, and in some instances disqualified by age or by official habits from the pursuit of any other business, and all this to be done upon the will of one man, in a free government, was surely intolerable oppression.

Our institutions proclaim, reason enjoins, and conscience requires, that every freeman shall exercise the elective franchise freely, and independently; and that among the candidates for his suffrage, he shall fearlessly bestow it upon him who will best advance the interests of his country. The presumption is, that this is always done, unless the contrary appears. But if the consequence of such a performance of patriotic duty is to be punishment; if an honest and sincere preference of A. to J. is to be treated as a crime, then our dearest privilege is a mockery, and our institutions are snares.

During the reign of Bonaparte, upon one of those occasions in which he affected to take the sense of the French people as to his being made consul for life, or emperor, an order was sent to the French armies to collect their suffrages. They were told in a public proclamation, that they were authorized and requested to vote freely, according to the dictates of their best judgments, and their honest convictions. But a mandate was privately circulated among them, importing that if any soldier voted against Bonaparte, he should be instantly shot.

Is there any other difference, except in the mode of punishment, between that case and the arbitrary removal of men from their public stations, for no other reason, than that of an honest and conscientious preference of one presidential candidate to another? And can it be doubted, that the spirit which prompts these removals is restrained from being extended to all, in private life, who manifested a similar preference, only by barriers which it dare not yet break down? But should public opinion sanction them, how long will these barriers remain?

One of the worst consequences of the introduction of this tenure of public office will be, should it be permanently adopted, to substitute for a system of responsibility, founded upon the ability and integrity with which public officers discharge their duties to the community, a system of universal rapacity. Incumbents, feeling the instability of their situations, and knowing their liability to periodical removals, at short terms, without any regard to the manner in which they have executed their trusts, will be disposed to make the most of their uncertain offices while they hold them. And hence we may expect innumerable cases of fraud, peculation, and corruption.

President Jackson commenced his official career on the 4th of March last, with every motive which should operate on the human heart to urge him to forget the prejudices and passions which had been exhibited in the previous contest, and to practice dignified moderation and forbearance. He had been the choice of a considerable majority of the people, and was elected by a large majority of the electoral votes. He had been elected mainly from the all-powerful influence of gratitude for his brilliant military services, in spite of doubts and fears entertained by many who contributed to his elevation. He was far advanced in years, and if fame speak true was suffering under the joint infirmities of age and disease. He had re-

cently been visited by one of the severest afflictions of Providence, in the privation of the partner of his bosom, whom he is represented to have tenderly loved, and who warmly returned all his affection. He had no child on whom to cast his honors. Under such circumstances, was ever man more imperiously called upon to stifle all the vindictive passions of his nature, to quell every rebellious feeling of his heart, and to dedicate the short residue of his life to the God who had so long blessed and spared him, and to the country which had so greatly honored him?

I sincerely hope that he will yet do this. I hope so for the sake of human nature, and for the sake of his own reputation. Whether he has, during the two months of his administration, so conducted himself, let facts tell and history pronounce. Truth is mighty and will prevail.

It was objected to Mr. Adams, that by appointing several members of Congress to public places, he endangered the purity of the body, and established a precedent fraught with the most dangerous consequences. And president Jackson (no, he begged his pardon, it was candidate Jackson), was so much alarmed by these appointments, for the integrity and permanency of our institutions, that in a solemn communication which he made to the Legislature of Tennessee, he declared his firm conviction to be, that no member of Congress ought to be appointed to any office except a seat upon the bench. And he added, that he himself would conform to that rule.

During the four years of Mr. Adams's administration, the whole number of appointments made by him from Congress, did not exceed four or five. In the first four weeks of that of his successor, more than double that number have been appointed by him. In the first two months of president Jackson's administration, he has appointed more members of Congress to public office, than I believe were appointed by any one of his predecessors during their whole period of four or eight years. And it appears, that no office is too high or too low to be bestowed by him on this favored class, from that of a head of a Department, down to an inconsiderable collectorship, or even a subordinate office under a collector. If I have not been misinformed, a representative from the greatest commercial metropolis in the United States, has recently been appointed to some inferior station, by the collector of the port of New York.

Without meaning to assert as a general principle, that in no case would it be proper that a resort should be had to the halls of Congress, to draw from them tried talents, and experienced public servants, to aid in the executive or judicial departments, all must agree, that such a resort should not be too often made, and that there should be some limit both as to the number and the nature of the appointments. And I do sincerely think, that this limit has, in both particulars, been transcended beyond all safe bounds, and so as to excite serious apprehensions.

It is not, however, my opinion, but that of president Jackson, which the public has now to consider. Having declared to the American people

through the Tennessee Legislature, the danger of the practice; having deliberately committed himself to act in consonance with that declared opinion, how can he now be justified in violating this solemn pledge, and in entailing upon his country a perilous precedent, fraught with the corrupting tendency which he described?

It is vain to say, that the Constitution, as it now stands, does not forbid these appointments. It does not enjoin them. If there be an inherent defect in the theoretical character of that instrument, president Jackson was bound to have redeemed his pledge, and employed the whole influence and weight of his name to remedy the defect in its practical operation. The Constitution admitted of the service of one man in the presidential office, during his life, if he could secure successive elections. That great reformer, as president Jackson describes him, whom he professes to imitate, did not wait for an amendment of the Constitution, to correct that defect; but after the example of the father of his country, by declining to serve longer than two terms, established a practical principle which is not likely to be violated.

There was another class of citizens upon whom public offices had been showered in the greatest profusion. I do not know the number of editors of newspapers that have been recently appointed, but I have noticed in the public prints, some fifteen or twenty. And they were generally of those whose papers had manifested the greatest activity in the late canvass, the most vulgar abuse of opponents, and the most fulsome praise of their favorite candidate. Editors are as much entitled to be appointed as any other class of the community; but if the number and the quality of those promoted, be such as to render palpable the motive of their appointment; if they are preferred, not on account of their fair pretensions, and their ability and capacity to serve the public, but because of their devotion to a particular individual, I ask if the necessary consequence must not be to render the press venal, and in time to destroy this hitherto justly cherished palladium of our liberty.

If the principle of all these appointments, this monopoly of public trusts by members of Congress and particular editors, be exceptionable (and I would not have alluded to them but from my deliberate conviction that they are essentially vicious), their effects are truly alarming. I will not impute to president Jackson any design to subvert our liberties. I hope and believe, that he does not now entertain any such design. But I must say, that if an ambitious president sought the overthrow of our government, and ultimately to establish a different form, he would, at the commencement of his administration, proclaim by his official acts, that the greatest public virtue was ardent devotion to him. That no matter what had been the character, the services, or the sacrifices of incumbents or applicants for office, what their experience or ability to serve the republic, if they did not bow down and worship him, they possessed no claim to his patronage. Such an ambitious president would say, as monarchs have said, "I am the

State." He would dismiss all from public employment who did not belong to the true faith. He would stamp upon the whole official corps of government one homogeneous character, and infuse into it one uniform principle of action. He would scatter, with an open and liberal hand, offices among the members of Congress, giving the best to those who had spoken, and written, and franked, most in his behalf. He would subsidize the press. It would be his earnest and constant aim to secure the two greatest engines of operation upon public opinion—Congress and the press. He would promulgate a new penal code, the rewards and punishments of which, would be distributed and regulated exclusively by devotion or opposition to him. And when all this powerful machinery was put in operation, if he did not succeed in subverting the liberties of his country, and in establishing himself upon a throne, it would be because some new means or principle of resistance had been discovered, which was unknown in other times or to other republics.

But if an administration, conducted in the manner just proposed, did not aim at the destruction of public liberty, it would engender evils of a magnitude so great as gradually to alienate the affections of the people from their government, and finally lead to its overthrow. According to the principle now avowed and practiced, all offices, vacant and filled, within the compass of the Executive power, are to be allotted among the partisans of the successful candidate. The people and the service of the State are to be put aside, and every thing is to be decided by the zeal, activity, and attachment, in the cause of a particular candidate, which were manifested during the preceding canvass. The consequence of these principles would be to convert the nation into one perpetual theater for political gladiators. There would be one universal scramble for the public offices. The termination of one presidential contest would be only the signal for the commencement of another. And on the conclusion of each we should behold the victor distributing the prizes and applying his punishments, like a military commander, immediately after he had won a great victory. Congress corrupted, and the press corrupted, general corruption would ensue, until the substance of free government having disappeared, some pretorian band would arise, and with the general concurrence of a distracted people, put an end to useless forms.

I am aware that the late acts of administration on which it has been my disagreeable duty to animadvert (I hope without giving pain to any of my fellow-citizens, as I most sincerely wish to give none), were sustained upon some vague notion or purpose of reform. And it was remarkable that among the loudest trumpeters of reform were some who had lately received appointments to lucrative offices. Now it must be admitted that, as to them, a most substantial and valuable reform had taken place; but I trust that something more extensively beneficial to the people at large was intended by that sweet-sounding word. I know that, at the commencement, and throughout nearly the whole progress of the late administration,

a reform in the Constitution was talked of, so as to exclude from public office members of Congress, during the periods for which they are elected, and a limited term beyond them. The proposition appeared to be received with much favor, was discussed in the House of Representatives, session after session, at great length, and with unusual eloquence and ability. A majority of that body seemed disposed to accede to it, and I thought for some time that there was high probability of its passage, at least, through that House. Its great champion (General Smyth, of Virginia), pressed it with resolute perseverance. But unfortunately, at the last session, after the decision of the presidential question, it was manifest that the kindness with which it had been originally received had greatly abated. Its determined patron found it extremely difficult to engage the House to consider it. When, at length, he prevailed by his frequent and earnest appeals to get it taken up, new views appeared to have suddenly struck the reformists. It was no longer an amendment in their eyes, so indispensable to the purity of our Constitution; and the majority which had appeared to be so resolved to carry it, now, by a direct or indirect vote, gave it the go-by. That majority, I believe, was composed in part of members who, after the 4th of March last, gave the best practical recantation of their opinions, by accepting from the new president lucrative appointments, in direct opposition to the principle of their own amendment. And now General Smyth would find it even more impracticable to make among them proselytes to his conservative alteration in the Constitution, than he did to gain any to his exposition of the Apocalypse.

Reform, such as alone could interest a whole people, can only take place in the Constitution, or laws, or policy of the government. Now and then, under every administration, and at all times, a faithless or incompetent officer may be discovered who ought to be displaced. And that in all the departments of the government. But I presume that the correction of such occasional abuses could hardly be expected to fulfill the promise of reform which had been so solemnly made. I would then ask, what was the reform intended? What part of the Constitution was to be altered? What law repealed? What branch of the settled policy of the country was to be changed? The people have a right to know what great blessing was intended by their rulers for them, and to demand some tangible practical good, in lieu of a general, vague, and undefined assurance of reform.

I know that the recent removals from office are attempted to be justified by a precedent drawn from Mr. Jefferson's administration. But there was not the most distant analogy between the two cases. Several years prior to his election, the public offices of the country had been almost exclusively bestowed upon the party to which that at the head of which he stood was opposed. When he commenced his administration he found a complete monopoly of them in the hands of the adverse party. He dismissed a few incumbents for the purpose of introducing in their places others of his own party, and thus doing equal justice to both sects. But

the number of removals was far short of those which are now in progress. When president Jackson entered on his administration he found a far different state of things. There had been no previous monopoly. Public offices were alike filled by his friends and opponents in the late election. If the fact could be ascertained, I believe it would be found that there was a larger number of officers under the government attached than opposed to his late election.

Further, in the case of Mr. Jefferson's election, it was the consequence of the people having determined on a radical change of system. There was a general belief among the majority who brought about that event, that their opponents had violated the Constitution in the enactment of the alien and sedition laws; that they had committed other great abuses, and that some of them contemplated an entire change in the character of our government, so as to give it a monarchical cast. I state the historical fact, without intending to revive the discussion, or deeming it necessary to examine whether such a design existed or not. But those who at that day did believe it, could hardly be expected to acquiesce in the possession by their opponents, the minority of the nation, of all the offices of a government to which some of them were believed to be hostile in principle. The object of Mr. Jefferson was to break down a pre-existing monopoly in the hands of one party, and to establish an equilibrium between the two great parties. The object of president Jackson appears to be, to destroy an existing equilibrium between the two parties to the late contest, and to establish a monopoly. The object of president Jefferson, was the republic, and not himself. That of president Jackson is himself, and not the State.

It never was advanced under Mr. Jefferson's administration, that devotion and attachment to him were an indispensable qualification, without which no one could hold or be appointed to office. The contrast between the inaugural speech of that great man, and that of his present successor, was remarkable in every respect. Mr. Jefferson's breathed a spirit of peace. It breathed a spirit of calm philosophy and dignified moderation. It treated the nation as one family. "We are all republicans, all federalists." It contained no denunciations; no mysterious or ambiguous language; no reflections upon the conduct of his great rival and immediate predecessor. What is the character of the inaugural speech of the present chief magistrate, I shall not attempt to sketch. Mr. Jefferson, upon the solemn occasion of his installation into office, laid down his rule for appointment to office—"Is he honest? is he capable? is he faithful to the Constitution?" But capacity, and integrity, and fidelity, according to the modern rule, appear to count for nothing, without the all-absorbing virtue of fidelity to president Jackson.

I will not consume the time of my friends and fellow-citizens with observations upon many of the late changes.

My object has been, to point your attention to the principle which ap-

pears to have governed all of them, and to classes. I would not have touched this unpleasant topic, but that it seems to me to furnish much and just occasion for serious alarm. I hope that I have treated it in a manner becoming me, without incurring the displeasure of any one now present. I believe the times require all the calm heads and sound hearts of the country. And I would not intentionally say one word to excite the passions.

But there are a few cases of recent removal of such flagrant impropriety, as I sincerely think, that I can not forbear alluding to them. Under no administration prior to the present, from the commencement of the government, have our diplomatic representatives been recalled from abroad, on account of the political opinions they entertained in regard to a previous presidential election. Within my recollection, at this time, there has been but one instance of recall of a foreign minister under the present Constitution, on account of any dissatisfaction with him. But president Washington did not recall Colonel Monroe (the case referred to) from France, on his individual account, but because he was not satisfied with the manner in which he performed the duties of the mission. President Jackson has ordered home two of our foreign ministers, one filling the most important European mission, and the other the most important of our missions on this continent. In both cases the sole ground of recall is, that they were opposed to his election as president. And as if there should be no possible controversy on this head, one of them was recalled before it was known at Washington that he had reached Bogota, the place of his destination; and consequently before he could have possibly disobeyed any instruction, or violated any duty.

The pecuniary effect of these changes, is the certain expenditure, in outfits, of eighteen thousand dollars, and perhaps more than triple that sum in contingences. Now it does seem to me, that (and I put it to your candid judgments whether) this is too large a sum for the public to pay, because two gentlemen had made a mistake of the name which they should have written on a little bit of paper thrown into the ballot-boxes. Mistake! They had, in fact, made no practical mistake. They had not voted at all, one being out of the United States, and the other out of his own State at the time of the election. The money is therefore to be paid because they made a mistake in the abstract opinions which they held, and might possibly, if they had been at home, have erroneously inscribed one name instead of another on their ballots.

There would be some consolation for this waste of public treasure, if it were compensated by the superiority of qualification on the part of the late appointments, in comparison with the previous. But I know all four of the gentlemen perfectly well, and my firm conviction is, that in neither change has the public gained any intellectual advantage. In one of them, indeed, the victor of Tippecanoe and the Thames, of whose gallantry many who are now here were witnesses, is replaced by a gentleman who, if he

possesses one single attainment to qualify him for the office, I solemnly declare it has escaped my discernment.

There was another class of persons whose expulsion from office was marked by peculiar hardship and injustice. Citizens of the District of Columbia were deprived of all actual participation in the elections of the United States. They are debarred from voting for a president, or any member of Congress. Their sentiments, therefore, in relation to any election of those officers, are perfectly abstract. To punish them, as in numerous instances has been done, by dismissing them from their employments, not for what they did, but for what they thought, is a cruel aggravation of their anomalous condition. I know well those who have been discharged from the Department of State, and I take great pleasure in bearing testimony to their merits. Some of them would have done honor to any bureau in any country.

We may worship God according to the dictates of our own consciences. No man's right, in that respect, can be called in question. The Constitution secures it. Public offices are happily, according to the theory of our Constitution, alike accessible to all, Protestants and Catholics, and to every denomination of each. But if our homage is not paid to a mortal, we are liable to a punishment which an erroneous worship of God does not bring upon us. Those public officers, it seems, who have failed to exhibit their devotion to that mortal, are to be visited by all the punishment which he can inflict, in virtue of laws, the execution of which was committed to his hands for the public good, and not to subserve his private purposes.

At the most important port of the United States, the office of collector was filled by Mr. Thompson, whose removal was often urged upon the late administration by some of its friends, upon the ground of his alleged attachment to General Jackson. But the late president was immovable in his resolution to deprive no man of his office, in consequence of his political opinions or preferences. Mr. Thompson's removal was so often and so strongly pressed, for the reason just stated, that an inquiry was made of the Secretary of the Treasury, into the manner in which the duties of the office were discharged. The secretary stated that there was no better collector in the public service; and that his returns and accounts were regularly and neatly rendered, and all the duties of his office ably and honestly performed, as he knew or believed. This meritorious officer has been removed to provide a place for Mr. Swartwout, whose association with Colonel Burr is notorious throughout the United States. I put it to the candor of all who are here, to say if such a change can be justified in the port of New York, the revenue collected at which amounts to about ten millions of dollars, or more than one third of the whole revenue of the United States.

I will detain the present assembly no longer upon subjects connected with the general government. I hope that I shall find, in the future

course of the new administration, less cause for public disapprobation. I most anxiously hope, that when its measures come to be developed, at the next and succeeding sessions of Congress, they shall be perceived to be such as are best adapted to promote the prosperity of the country. I will say, with entire sincerity, that I shall be most happy to see it sustaining the American system, including internal improvements, and upholding the established policy of the government at home and abroad. And I shall ever be as ready to render praise where praise is due, as it is now painful to me, under existing circumstances, to participate in the disapprobation which recent occurrences have produced.

No occasion can be more appropriate than the present, when surrounded by my former constituents, to say a few words upon the unimportant subject of myself. Prior to my return home I had stated, in answer to all inquiries whether I should be again presented as a candidate to represent my old district in the House of Representatives, that I should come to no absolute decision, until I had taken time for reflection, and to ascertain what might be the feelings and wishes of those who had so often honored me with their suffrages. The present representative of the district has conducted himself toward me with the greatest liberality, and I take pleasure now in making my public acknowledgments, so justly due to him. He had promptly declined being a candidate, if I would offer, and he warmly urged me to offer.

Since my return home, I have mixed freely as I could with my friends and fellow-citizens of the district. They have met me with the greatest cordiality. Many of them have expressed a wish that I would again represent them. Some of the most prominent and respectable of those who voted for the present chief magistrate, have also expressed a similar wish. I have every reason to believe, that there would be no opposition to me, from any quarter or any party, if I were to offer. But if I am not greatly deceived in the prevailing feeling throughout the district, it is one more delicate and respectful toward me, and I appreciate it much higher, than if it had been manifested in loud calls upon me to return to my old post. It referred the question to my own sober judgment. My former constituents were generally ready to acquiesce in any decision I might think proper to make. If I were to offer for Congress, they were prepared to support me with their accustomed zeal and true-heartedness. I thank them all, from the very bottom of my heart, whether they agreed or differed with me in the late contest, for this generous confidence.

I have deliberated much on the question. My friends, in other parts of the Union, are divided in opinion about the utility of any services which I could render, at the present period, in the national Legislature. This state of things, at home and abroad, left me free to follow the impulse of my own feelings, and the dictates of my own judgment. These prompted me to remain in private life. In coming to this resolution, I did not mean to impair the force of the obligation under which every citizen, in my opin

ion, stood, to the last flickering of human life, to dedicate his best exertions to the service of the republic. I am ready to act in conformity with that obligation, whenever it shall be the pleasure of the people; and such a probability of usefulness shall exist as will justify my acceptance of any service which they may choose to designate.

I have served my country now near thirty years. My constitution, never very vigorous, requires repose. My health, always of late years very delicate, demands care. My private affairs want my attention. Upon my return home, I found my house out of repair; my farm not in order, the fences down, the stock poor, the crop not set, and late in April the corn-stalks of the year's growth yet standing in the field—a sure sign of slovenly cultivation.

Under all circumstances, I think that, without being liable to the reproach of dereliction of any public duty to my country or to my friends, I may continue at home for a season, if not during the remainder of my life, among my friends and old constituents, cheering and cheered by them, and interchanging all the kind and friendly offices incident to private life. I wished to see them all; to shake hands cordially with them; to inquire into the deaths, births, marriages, and other interesting events among them; to identify myself in fact, as I am in feeling, with them, and with the generation which has sprung up while I have been from home, serving them. I wish to put my private affairs to rights, and if I can, with the blessing of Providence, to re-establish a shattered constitution and enfeebled health.

It has been proposed to me to offer for a seat in the Legislature of the State. I should be proud of the selection, if I believed I could be useful at Frankfort. I see, I think, very clearly, the wants of Kentucky. Its finances are out of order, but they could be easily put straight, by a little moral courage, on the part of the General Assembly, and a small portion of candor and good will among the people. Above all, we want an efficient system of internal improvements adopted by the State. No Kentuckian who traveled in or out of it, could behold the wretched condition of our roads without the deepest mortification. We are greatly in the rear of almost all the adjacent States, some of which sprung into existence long after we were an established commonwealth. While they are obeying the spirit of the age, and nobly marching forward in the improvement of their respective territories, we are absolutely standing still, or rather going backward. It is scarcely credible, but nevertheless true, that it took my family, in the month of April, nearly four days to travel through mud and mire, a distance of only sixty-four miles, over one of the most frequented roads in the State.

And yet our wants, on the subject, are perfectly within the compass of our means, judiciously applied. An artificial road from Maysville to the Tennessee line, one branch in the direction of Nashville, and a second to strike the mouth of Cumberland or Tennessee river; an artificial road ex

tending from Louisville to intersect the other, somewhere about Bowling Green; one passing by Shelbyville and Frankfort, to the Cumberland gap; and an artificial road extending from Frankfort to the mouth of Big Sandy; compose all the leading roads which at present need the resources of the State. These might be constructed, partly upon the McAdams method, and partly by simply graduating and bridging them, which latter mode can be performed at an expense less than one thousand dollars per mile. Other laterals connecting these main roads, might be left to the public spirit of the local authorities and of private companies.

Congress, without doubt, would aid the State, if we did not call upon Hercules without putting our shoulders to the wheel. But without that aid we could ourselves accomplish all the works which I have described. It would not be practicable to complete them in a period of less than seven or eight years, and of course not necessary to raise the whole sum requisite to the object in one year. Funds drawn from executed parts of the system might be applied to the completion of those that remained. This auxiliary source, combined with the ample means of the State, properly developed, and faithfully appropriated, would enable us to construct all the roads which I have sketched without burdening the people.

But, solicitous as I feel on this interesting subject, I regret that I have not yet seen sufficient demonstrations of the public will to assure me that the judgment of the people had carried them to the same or similar conclusions to which my mind has conducted me. We have been, for years past, unhappily greatly distracted and divided. These dissensions have drawn us off from a view of greater to less important concerns. They have excited bitter feelings and animosities, and created strong prejudices and jealousies. I fear that from these causes the public is not yet prepared dispassionately to consider and adopt a comprehensive, I think the only practical, system of internal improvements in this State. A premature effort might retard, instead of accelerating, the object. And I must add, that I fear extraneous causes would bias and influence the judgment of the Legislature.

Upon the whole, I must decline acceding to the wishes of those who desired to see me in the Legislature. Retirement, unqualified retirement, from all public employment, is what I unaffectedly desire. I would hereafter, if my life and health are preserved, be ready at all times to act on the principles I have avowed, and whenever, at a more auspicious period, there shall appear to be a probability of my usefulness to the Union or to the State, I will promptly obey any call which the people may be pleased to make.

And now, my friends and fellow-citizens, I can not part from you, on possibly this last occasion of my ever publicly addressing you, without reiterating the expression of my thanks from a heart overflowing with gratitude. I came among you, now more than thirty years ago, an orphan boy, penniless, a stranger to you all, without friends, without the favor

of the great. You took me up, cherished me, caressed me, protected me, honored me. You have constantly poured upon me a bold and unabated stream of innumerable favors. Time, which wears out every thing, has increased and strengthened your affection for me. When I seem deserted by almost the whole world, and assailed by almost every tongue, and pen, and press, you have fearlessly and manfully stood by me, with unsurpassed zeal and undiminished friendship. When I felt as if I should sink beneath the storm of abuse and detraction, which was violently raging around me, I have found myself upheld and sustained by your encouraging voices, and your approving smiles. I have doubtless committed many faults and indiscretions, over which you have thrown the broad mantle of your charity. But I can say, and in the presence of my God and of this assembled multitude, I will say, that I have honestly and faithfully served my country; that I have never wronged it; and that, however unprepared I lament that I am to appear in the divine presence on other accounts, I invoke the stern justice of His judgment on my public conduct, without the smallest apprehension of His displeasure.

Mr. Clay concluded by proposing the following toast:

THE STATE OF KENTUCKY: a cordial union of all parties in favor of an efficient system of internal improvements, adapted to the wants of the State.

EFFECT OF THE PROTECTIVE SYSTEM ON THE STAPLES OF THE SOUTH.

NATCHEZ, MARCH 13, 1830.

[MR. CLAY, still in private life, on returning from New Orleans, in the spring of 1830, was entertained by a public dinner at Natchez, at the date above given, the Hon. Edward Turner, Judge of the Supreme Court of Mississippi, presiding, who, after a complimentary speech in honor of Mr. Clay, read the following toast:

"*Our distinguished guest*—the firm and patriotic statesman; the grandeur and usefulness of his political views can only be surpassed by his eloquence and ability in advocating them."

To which Mr. Clay replied in substance* as follows:]

MR. PRESIDENT AND FELLOW-CITIZENS—I not only rise in gratitude for the favorable opinions you entertain of me, but to avail myself of an opportunity to acknowledge my sense of the honors conferred upon me by my fellow-citizens of Mississippi. I did, indeed, expect to receive from them such kind attentions, as they are celebrated for extending to every stranger having had the satisfaction to visit them; but it is my pride to acknowledge, that those paid to me, have far, very far, exceeded my expectations; to have received and not acknowledge how sensible I am of them, would seem an affectation of concealing feelings, which I ought to rejoice in possessing, and which justice to myself, as well as to those who bestow this kindness, requires of me to avow.

Ere I landed on your shores, your welcome and congratulations came to meet me; and they came too the more welcome, because I saw commingling around me, citizens, who, though at variance on political subjects, do not suffer their differences to interfere with the claims, which, as friends and as countrymen, they have on each other; and if I have done aught deserving their approbation as well as their censure, believe me, in all that I have done, I have acted in view of the interest and happiness of our common country.

* It should be observed that this speech is only a condensed statement from a Natchez paper

There is nothing in life half so delightful to the heart, as to know, that, notwithstanding all the conflicts that arise among men, yet there comes a time when their passions and prejudices shall slumber, and that the stranger guest shall be cheered in seeing, that whatever differences may arise among them, yet there are moments when they shall cease from troubling, and when all that is turbulent and distrustful among them, shall be sacrificed to the generous and social dictates of their nature; and it would be to me a source of great satisfaction to think, that a recollection of the present would act as a mediator, and soften the asperities of your divisions, as circumstances and events may renew them.

The gentleman who sits at the head of this festive board, and near whose person your kind consideration and courtesy has placed me, was the companion of my early days; and neither time nor distance have weakened in him the feelings which began with our youth, the strong and bright evidences of which are shown in the narration he has given of my public services. But I fear that he has rather conceived me to be what his wishes would have me; and that to these, more than to my own deservings, must I attribute his flattering notice of me.

He then adverted to that part of Judge Turner's address which spoke of Mr. Clay as the decided advocate of the late war. We can not attempt to draw even the outlines of his observations, or to portray the feelings he discovered while depicting the part which Kentucky acted in the war; of the volunteers she sent forth to battle, of the privations she suffered, of the money expended, and of the blood that flowed from her sons, in supporting the nation in the defense of her rights and independence. The expression of his eye, his attitude, and gestures, evinced how deeply the subject affected him. The people of Kentucky, he said, acted nobly throughout the whole contest; and whether in defeat or in victory, she still showed the determination to sustain the American character, and to maintain American independence; and it would be only to repeat, what was a common observation among the people of his State, to say, that their countrymen of Mississippi, acted with a spirit during the war worthy the best days of the Revolution.

In speaking of the invasion of Louisiana, and of the battle of New Orleans, his feeling and his voice seemed to rise with the subject. The encomiums he passed upon the hero who had achieved the victory, though said in a few words, were such as might be expected from a statesman so great in honor, and so exalted in patriotism, as Mr. Clay. He concluded this part of his speech, by saying, that, although by the negotiations at Ghent, none of the objects for which the nation went to war, were guarantied by the treaty of peace; yet they were secured to us by a power much stronger than any treaty stipulations could give: the influence of our arms, the resources and power of the republic, as brought forth and shown in the contest.

He now spoke of the apprehensions entertained by many, that the Union

would be dissolved; but he considered all apprehensions of this kind, as arising more from our fears that such a misfortune should visit the country, than from any substantial reasons to justify them. Rumors, he said, had gone abroad ever since the adoption of the present Constitution, that the republic would be dismembered. Whenever any important question arose, in which the passions and prejudices of party, rather than the reason of the people, was brought to bear on the discussion, the cry would be heard, that the Union would fall in the conflict; to-day, the disposition to separate would be charged on the West; to-morrow, against the North or the East; and then it would be returned back again to the South; but as long as I have lived, said Mr. Clay, I have seen nothing to give me any serious fears that such an evil could befall us. First, the people were divided into democrats and federalists; then we had the funding system, and the bank of the United States; then came the Missouri question, and last the tariff. On this question my partial friend has honored me with the appellation of the advocate of domestic industry. I am, indeed, from conscientious convictions, the friend of that system of public policy, which has been called the American system; and here, among those who honestly differ with me on this question, I would be indulged, by this magnanimous people, in offering a few remarks on this subject.

It has been objected to this policy by a distinguished statesman in Congress, that our country was too extended, the lands too cheap and fertile, and our population too sparse to admit of the manufacturing system; that our people were physically incapable of that confined degree of labor, necessary to excellence in manufactures; but experience has surely disproved these positions. We are by nature inferior to no people, physically or mentally, and time has proved, and will continue to prove it.

I am aware that the people of this quarter of the Union conscientiously believe, that the tariff bears heavily on them; yet I feel also well assured, from a retrospect of the past, that if the laws on this subject were even more severe in their operation than I believe them to be, this patriotic people would endure them patiently. Yes, if the independence of the country, the interests, and above all, the cause of the Union required heavy sacrifices, they would endure them. But while claiming no immunity from error, I feel the most sincere, the deepest conviction, that the tariff, so far from having proved injurious to the peculiar interests of this section of the country, has been eminently beneficial. I ask leave to put two questions to those interested in your great staple. I would take the common operations of sale and of purchase: has the operation of the tariff lowered the price of what you sell? The price of every article must be regulated mainly by the demand: has, then, the consumption of cotton diminished since the tariff of 1824, or 1828? No, it has increased, greatly increased; and why? Because the protection extended by this policy, has created a new customer in the American manufacturer, who takes two hundred thousand bales, without having lessened the demand for the European market.

British merchants have found new markets for their cotton fabrics, and the competition, thus created, while it has reduced the price of the manufactured article, has increased the consumption of the raw material. Again, has the tariff increased the price of what you buy? Take the article of domestic cotton, for example; has not the American manufacturer, since the adoption of this system, afforded you a better article and at less price than before? Take a familiar instance, one in which, having some personal interest, I ought to be acquainted with; take the article manufactured in my own State, for the covering of your cotton bales; take any period, say six years before and six years since the tariff of 1824; has the average price of cotton bagging increased or diminished, in that period? I think I can appeal confidently to those around me, for the reply. We afford you a better article than the European, and at a greatly reduced price. But, I am permitting myself to be carried away by the subject; I will obtrude no longer on the indulgence of this generous people. I feel my inability to express my profound and heartfelt gratitude, for the too flattering reception you have given me, and for the sentiments you have been pleased to honor me with, an humble individual in private life. I ask permission to offer a sentiment:

"The health and prosperity of the people of the State of Mississippi."

NULLIFICATION AND OTHER TOPICS

CINCINNATI, AUGUST 3, 1830.

[THE Bank, the American System, and Internal Improvements, are topics of the following speech; but Nullification is the principal theme. This latter was about this time a novelty in the political history of the country, as having just begun to be agitated. South Carolina statesmen had all the responsibility of first proposing it, and from that day to this they have taken the lead in it. Since its first proposal, the doctrine has branched out into a claim of the right of secession. As will be seen, nullification does not necessarily imply secession, though it may be difficult to see how the former could be carried out without leading to the latter. But the first idea of nullification was doubtless limited to the action of a State in making null and void a Federal law or laws, within the circle of its own jurisdiction, without contemplating the absolute independence of a secession. Seeing, however, that nullification, in its practical operation, could hardly stop short of secession, the propounders of the doctrine, in its first and limited signification, afterward came boldly up to the claim of the right of secession; and that is the present (1856) aspect of the question. The theory of nullification, as first entertained, supposed and assumed that any State, by its legislation and courts, could nullify, within its own limits, such laws of the United States as its own authorities might adjudge to be unconstitutional, so that they could not be executed under its jurisdiction; and here, perhaps, it was thought that nullification would stop, till the federal Government should repeal the obnoxious laws. But, to be relieved from the embarrassments of such a position, and to make thorough work, the nullifiers became secessionists, holding that the federal Union is a voluntary compact, which either of the parties could dissolve at will, in the same manner as they had made it. This, as will be seen, becomes a momentous question, so far as it is seriously entertained. Though the right of seces-

sion had not been agitated when Mr. Clay delivered the following speech, he foresaw that nullification would end in that. He therefore treated the subject in its broadest sense, and used the terms nullification and secession interchangeably. The Constitution of the United States had erected a supreme tribunal, in the Supreme Court, to determine what was law for States as well as for other parties, and it was absurd to suppose that the constitutionality of a law, when a State is a party, could be decided anywhere else. Nor is it less absurd to suppose that one of thirty or more parties to the Union has a right to dissolve it. By the federal compact, the sovereignty of a State can never trespass on federal jurisdiction, any more than on the jurisdiction of a foreign State. The laws of the United States, so far as they extend over the jurisdiction of a State, are supreme, and State authority can extend no further than its own legislation made in conformity with this rule, the Supreme Court of the United States being always the judge of such conformity, as occasion may require. Federal law, therefore, has as good a title within the jurisdiction of the States as the State laws, and so much better as that the former is supreme over the latter. The sovereignty of the federal government, within the bounds of the States, is limited by the federal Constitution, and by the same instrument the sovereignty of the States is limited. The sovereignty of the States is absolute only within these prescribed limits. It is impossible, in the nature of the federal compact, that a State should seize on that part of the federal jurisdiction which lies within its own limits, which the right of secession supposes. If the State has rights under its own jurisdiction, so has the federal government rights in the same place, and the latter are always supreme over the former. It is not possible, therefore, that a State should move a single inch in the line of secession; much less could it nullify a law of the United States. To attempt either would be rebellion, and a revolution.

This speech was delivered by Mr. Clay, at a collation made for him by the mechanics of Cincinnati, in response to the following toast:

"*Our valued guest*: It is his highest eulogium, that the name of Henry Clay is inseparably associated with the best interests of the country, as their asserter and advocate."]

Mr. President and Fellow-citizens—In rising to make the acknowledgments which are due from me, for the sentiment which has been just drunk, and for the honors which have been spontaneously rendered to me

on my approach, and during my visit to this city, I feel more than ever the incompetency of all language adequately to express the grateful feelings of my heart. Of these distinguished honors, crowned heads themselves might well be proud. They indeed possess a value far surpassing that of any similar testimonies which could be offered to the chief of an absolute government. There, they are, not unfrequently, tendered by reluctant subjects, awed by a sense of terror, or impelled by a sense of servility. Here, in this land of equal laws and equal liberty, they are presented to a private fellow citizen, possessing neither office nor power, nor enjoying any rights and privileges which are not common to every member of the community. Power could not buy nor deter them. And, what confers an estimable value on them to me—what makes them alone worthy of you, or more acceptable to their object, is, that they are offered, not to the man, but to the public principles and public interests, which you are pleased to associate with his name. On this occasion too, they emanate from one of those great productive classes which form the main pillars of public liberty, and public prosperity. I thank you, fellow-citizens, most cordially, for these endearing proofs of your friendly attachment. They have made an impression of gratitude on my heart, which can never be effaced, during the residue of my life. I avail myself of this last opportunity of being present at any large collection of my fellow-citizens of Ohio, during my present visit, to express my respectful acknowledgments, for the hospitality and kindness with which I have been everywhere received and entertained.

Throughout my journey, undertaken solely for private purposes, there has been a constant effort on my side, to repress, and, on that of my fellow-citizens of Ohio, to exhibit public manifestations of their affection and confidence. It has been marked by a succession of civil triumphs. I have been escorted from village to village, and have everywhere found myself surrounded by large concourses of my fellow-citizens, often of both sexes, greeting and welcoming me. Nor should I do justice to my feelings, if I confined the expression of my obligations to those only with whom I had the happiness to agree, on a late public event. They are equally due to the candid and liberal of those from whom it was my misfortune to differ on that occasion, for their exercise toward me of all the rights of hospitality and neighborly courtesy. It is true, that in one or two of the towns through which I passed, I was informed, that attempts were made, by a few political zealots, to dissuade portions of my fellow-citizens from visiting and saluting me. These zealots seemed to apprehend, that an invading army was about to enter the town; that it was necessary to sound the bells, to beat the drums, to point the cannon, and to make all needful preparations for a resolute assault, and a gallant defense. They were accordingly seen in the streets, and at public places, beating up for recruits, and endeavoring to drill their men. But I believe there were only a few who were awed by their threats, or seduced by their bounty, to enlist in such a cause. The

great body of those who thought differently from me, in the instance referred to, remained firm and immovable. They could not comprehend that it was wrong to extend to a stranger from a neighboring State, the civilities which belong to social life. They could not comprehend that it was right to transform political differences into deadly animosities. Seeing that varieties in the mode of worshiping the great Ruler of the universe did not disturb the harmony of private intercourse, they could not comprehend the propriety of extending to mortal man a sacrifice which is not offered to our immortal Father, of all the friendly and social feelings of our nature, because we could not all agree as to the particular exercise of the elective franchise. As independent and intelligent freemen, they would not consent to submit to an arrogant usurpation which assumed the right to control their actions, and to regulate the feelings of their hearts, and they scorned with indignation, to yield obedience to the mandates of would-be dictators. To quiet the apprehension of these zealots, I assure them, that I do not march at the head of any military force; that I have neither horse, foot, nor dragoons, and that I travel with my friend Charles (a black boy, residing in my family, for whom I feel the same sort of attachment that I do for my own children), without sword, pistol, or musket! Another species of attempted embarrassment has been practiced by an individual of this city. About an hour before I left my lodgings for this spot, he caused a packet to be left in my room by a little boy, who soon made his exit. Upon opening it, I looked at the signature, and that was enough for me. It contained a long list of interrogatories, which I was required publicly to answer. I read only one or two of them. There are some men whose contact is pollution. I can recognize no right in the person in question to catechize me. I can have no intercourse with one who is a disgrace to the gallant and generous nation from which he sprang. I can not stoop to be thus interrogated by a man whose nomination to a paltry office, was rejected by nearly the unanimous vote of the Senate; I must be excused if, when addressing my friends, the mechanics of Cincinnati, I will not speak from his notes. On the renewal of the charter of the present bank of the United States, which I believe formed the subject of one or two of these interrogatories, I will say a few words for your, not his sake. I will observe, in the first place, that I am not in favor of such a bank as was recommended in the message of the president of the United States, at the commencement of the last session of Congress; that, with the committee of the two Houses, I concur in thinking it would be an institution of a dangerous and alarming character; and that fraught as it would be with the most corrupting tendencies, it might be made powerfully instrumental in overturning our liberties. As to the existing bank, I think it has been generally administered, and particularly of late years, with great ability and integrity; that it has fulfilled all the reasonable expectations of those who constituted it; and, with the same committees, I think it has made an approximation toward the equalization of the currency, as great as is practi-

cable. Whether the charter ought to be renewed or not, near six years hence, in my judgment, is a question of expediency to be decided by the then existing state of the country. It will be necessary at that time, to look carefully at the condition both of the bank and of the Union. To ascertain, if the public debt shall, in the mean time, be paid off, what effect that will produce? What will be our then financial condition? what that of local banks, the state of our commerce, foreign and domestic, as well as the concerns of our currency generally? I am, therefore, not now prepared to say, whether the charter ought, or ought not, to be renewed on the expiration of its present term. The bank may become insolvent, and may hereafter forfeit all pretensions to a renewal. The question is premature. I may not be alive to form any opinion upon it. It belongs to posterity, and if they would have the goodness to decide for us some of the perplexing and practical questions of the present day, we might be disposed to decide that remote question for them. As it is, it ought to be indefinitely postponed.

With respect to the American system, which demands your undivided approbation, and in regard to which you are pleased to estimate much too highly my service, its great object is to secure the independence of our country, to augment its wealth, and to diffuse the comforts of civilization throughout society. That object, it has been supposed, can be best accomplished by introducing, encouraging, and protecting the arts among us. It may be called a system of real reciprocity, under the operation of which one citizen or one part of the country, can exchange one description of the produce of labor, with another citizen or another part of the country, for a different description of the produce of labor. It is a system which develops, improves, and perfects the capabilities of our common country, and enables us to avail ourselves of all the resources with which Providence has blessed us. To the laboring classes it is invaluable, since it increases and multiplies the demands for their industry, and gives them an option of employments. It adds power and strength to our Union, by new ties of interest, blending and connecting together all its parts, and creating an interest with each in the prosperity of the whole. It secures to our own country, whose skill and enterprise, properly fostered and sustained, can not be surpassed, those vast profits which are made in other countries by the operation of converting the raw material into manufactured articles. It naturalizes, and creates within the bosom of our country all the arts; and, mixing the farmer, manufacturer, mechanic, artist, and those engaged in other vocations together, admits of those mutual exchanges, so conducive to the prosperity of all and every one, free from the perils of sea and war: all this it effects, while it nourishes and leaves a fair scope to foreign trade. Suppose we were a nation that clad ourselves, and made all the implements necessary to civilization, but did not produce our own bread, which we brought from foreign countries, although our own was capable of producing it, under the influence of suitable laws of protection, ought

not such laws to be enacted? The case supposed is not essentially different from the real state of things which led to the adoption of the American system.

That system has had a wonderful success. It has more than realized all the hopes of its founders. It has completely falsified all the predictions of its opponents. It has increased the wealth, and power, and population of the nation. It has diminished the price of articles of consumption, and has placed them within the reach of a far greater number of our people than could have found means to command them, if they had been manufactured abroad instead of at home.

But it is useless to dwell on the argument in support of this beneficent system before this audience. It will be of more consequence here to examine some of the objections which are still urged against it, and the means which are proposed to subvert it. These objections are now principally confined to its operation upon the great staple of cotton wool, and they are urged with most vehemence in a particular State. If the objections are well founded, the system should be modified, as far as it can consistently with interest, in other parts of the Union. If they are not well founded, it is to be hoped they will be finally abandoned.

In approaching the subject, I have thought it of importance to inquire what was the profit made upon capital employed in the culture of cotton, at its present reduced price? The result has been information that it nets from seven to eighteen per cent. per annum, varying according to the advantage of situation, and the degree of skill, judgment, and industry, applied to the production of the article. But the lowest rate of profit, in the scale, is more than the greatest amount which is made on capital employed in the farming portions of the Union.

If the cotton planter has any just complaint against the expediency of the American system, it must be founded on the fact that he either sells less of his staple, or sells at lower prices, or purchases for consumption articles at dearer rates, or of worse qualities, in consequence of that system, than he would do if it did not exist. If he would neither sell more of his staple, nor sell it at better prices, nor could purchase better or cheaper articles for consumption, provided the system did not exist, then he has no cause, on the score of burdensome operation, to complain of the system, but must look to other sources for the grievances which he supposes afflict him.

As respects the sale of his staple, it would be indifferent to the planter, whether one portion of it was sold in Europe, and the other in America, provided the aggregate of both were equal to all that he could sell in one market, if he had but one, and provided he could command the same price in both cases. The double market would indeed be something better for him, because of its greater security in time of war as well as in peace, and because it would be attended with less perils and less charges. If there be an equal amount of the raw material manufactured, it must be immaterial to

the cotton planter, in the sale of the article, whether there be two theaters of the manufacture, one in Europe and the other in America, or but one in Europe; or if there be a difference, it will be in favor of the two places of manufacture, instead of one, for reasons already assigned, and others that will be hereafter stated.

It could be of no advantage to the cotton planter, if all the cotton now manufactured both in Europe and America, was manufactured exclusively in Europe, and an amount of cotton fabrics should be brought back from Europe, equal to both what is now brought from there, and what is manufactured in the United States, together. While he would gain nothing, the United States would lose the profit and employment resulting from the manufacture of that portion which is now wrought up by the manufacturers of the United States.

Unless, therefore, it can be shown, that, by the reduction of import duties, and the overthrow of the American system, and by limiting the manufacture of cotton to Europe, a greater amount of the raw material would be consumed than is at present, it is difficult to see what interest, so far as respects the sale of that staple, the cotton planter has in the subversion of that system. If a reduction of duties would admit of larger investments in British or European fabrics of cotton, and their subsequent importation into this country, this additional supply would take the place, if consumed, of an equal amount of American manufactures, and consequently would not augment the general consumption of the raw material. Additional importation does not necessarily imply increased consumption, especially when it is effected by a policy which would impair the ability to purchase and consume.

Upon the supposition just made, of a restriction to Europe of the manufacture of cotton, would more or less of the article be consumed than now is? More could not be, unless, in consequence of such a monopoly of the manufacture, Europe could sell more than she now does. But to what countries could she sell more? She gets the raw material now unburdened by any duties except such moderate ones as her policy, not likely to be changed, imposes. She is enabled thereby to sell as much of the manufactured article as she can find markets for in the States within her own limits, or in foreign countries. The destruction of the American manufacture would not induce her to sell cheaper, but might enable her to sell dearer, than she now does. The ability of those foreign countries, to purchase and consume, would not be increased by the annihilation of our manufactures, and the monopoly of European manufacture. The probability is, that those foreign countries, by the fact of that monopoly, and some consequent increase of price, would be worse and dearer supplied than they now are, under the operation of a competition between America and Europe in their supply.

At most, the United States, after the transfer from their territory to Europe, of the entire manufacture of the article, could not consume, of

European fabrics from cotton, a greater amount than they now derive from Europe, and from manufactures within their own limits.

But it is confidently believed, that the consumption of cotton fabrics, on the supposition which has been made, within the United States, would be much less than it is at present. It would be less, because the American consumer would not possess the means or ability to purchase as much of the European fabric as he now does to buy the American. Europe purchases but little of the produce of the northern, middle, and western regions of the United States. The staple productions of those regions are excluded from her consumption by her policy, or by her native supplies of similar productions. The effect, therefore, of obliging the inhabitants of those regions to depend upon the cotton manufactures of Europe for necessary supplies of the article, would be alike injurious to them, and to the cotton grower. They would suffer from their inability to supply their wants, and there would be a consequent diminution of the consumption of cotton. By the location of the manufacture in the United States, the quantity of cotton consumed is increased, and the more numerous portion of their inhabitants, who would not be otherwise sufficiently supplied, are abundantly served. That this is the true state of things, I think can not be doubted by any reflecting and unprejudiced man. The establishment of manufactures within the United States, enables the manufacturer to sell to the farmer, the mechanic, the physician, the lawyer, and all who are engaged in other pursuits of life; and these, in their turns, supply the manufacturer with subsistence, and whatever else his wants require. Under the influence of the protecting policy, many new towns have been built, and old ones enlarged. The population of these places draw their subsistence frem the farming interest of our country, their fuel from our forests and coal mines, and the raw materials from which they fashion and fabricate, from the cotton planter and the mines of our country. These mutual exchanges, so animating and invigorating to the industry of the people of the United States, could not possibly be effected between America and Europe, if the latter enjoyed the monopoly of manufacturing.

It results, therefore, that, so far as the sale of the great southern staple is concerned, a greater quantity is sold and consumed, and consequently better prices are obtained, under the operation of the American system, than would be without it. Does that system oblige the cotton planter to buy dearer or worse articles of consumption than he could purchase, if it did not exist?

The same course of American and European competition, which enables him to sell more of the produce of his industry, and at better prices, also enables him to buy cheaper and better articles for consumption. It can not be doubted, that the tendency of the competition between the European and American manufacturer, is to reduce the price and improve the quality of their respective fabrics, whenever they come into collision.

This is the immutable law of all competition. If the American manufacture were discontinued, Europe would then exclusively furnish those supplies which are now derived from the establishments in both continents; and the first consequence would be, an augmentation of the demand, beyond the supply, equal to what is now manufactured in the United States, but which, in the contingency supposed, would be wrought in Europe. If the destruction of the American manufactures were sudden, there would be a sudden and probably a considerable rise in the European fabrics. Although, in the end, they might be again reduced, it is not likely that the ultimate reduction of the prices would be to such rates as if both the workshops of America and Europe remained sources of supply. There would also be a sudden reduction in the price of the raw material, in consequence of the cessation of American demand. And this reduction would be permanent, if the supposition be correct, that there would be a diminution in the consumption of cotton fabrics, arising out of the inability, on the part of large portions of the people of the United States, to purchase those of Europe.

That the effect of competition between the European and American manufacture, has been to supply the American consumer with cheaper and better articles, since the adoption of the American system, notwithstanding the existence of causes which have obstructed its fair operation, and retarded its full development, is incontestable. Both the freeman and the slave are now better and cheaper supplied than they were prior to the existence of that system. Cotton fabrics have diminished in price, and been improved in their texture, to an extent that it is difficult for the imagination to keep pace with. Those partly of cotton and partly of wool are also better and cheaper supplied. The same observation is applicable to those which are exclusively wrought of wool, iron, or glass. In short, it is believed that there is not one item of the tariff inserted for the protection of native industry, which has not fallen in price. The American competition has tended to keep down the European rival fabric, and the European has tended to lower the American.

Of what then can the South Carolina planter justly complain in the operation of this system? What is there in it which justifies the harsh and strong epithets which some of her politicians have applied to it? What is there in her condition, which warrants their assertion, that she is oppressed by a government to which she stands in the mere relation of a colony?

She is oppressed by a great reduction in the price of manufactured articles of consumption.

She is oppressed by the advantage of two markets for the sale of her valuable staple, and for the purchase of objects required by her wants.

She is oppressed by better prices for that staple than she could command, if the system to which they object did not exist.

She is oppressed by the option of purchasing cheaper and better articles,

the produce of the hands of American freemen, instead of dearer and worse articles, the produce of the hands of British subjects.

She is oppressed by the measures of a government in which she has had, for many years, a larger proportion of power and influence, at home and abroad, than any State in the whole Union, in comparison with the population.

A glance at the composition of the government of the Union, will demonstrate the truth of this last proposition. In the Senate of the United States, South Carolina having the presiding officer, exercises nearly one sixteenth instead of one twenty-fourth part of both its legislative and executive functions.

In both branches of Congress, some of her citizens now occupy, as chairmen of committees, the most important and influential stations. In the Supreme Court of the United States, one of her citizens being a member, she has one seventh part, instead of about one twentieth, her equal proportion of the whole power vested in that tribunal. Until within a few months, she had nearly one third of all the missions of the first grade, from this to foreign countries. In a contingency, which is far from impossible, a citizen of South Carolina would instantly become charged with the administration of the whole of the vast power and patronage of the United States.

Yet her situation has been compared to that of a colony which has no voice in the laws enacted by the parent country for its subjection! And to be relieved from this cruel state of vassalage, and to put down a system which has been established by the united voice of all America, some of her politicians have broached a doctrine as new as it would be alarming, if it were sustained by numbers in proportion to the zeal and fervid eloquence with which it is inculcated. I call it a novel doctrine. I am not unaware that attempts have been made to support it on the authority of certain acts of my native and adopted States. Although many of their citizens are much more competent than I am to vindicate them from this imputation of purposes of disunion and rebellion, my veneration and affection for them both urge me to bear my testimony of their innocence of such a charge. At the epoch of 1798–9, I had just attained my majority, and although I was too young to share in the public councils of my country, I was acquainted with many of the actors of that memorable period; I knew their views, and formed and freely expressed my own opinions on passing events. The then administration of the general government was believed to entertain views (whether the belief was right or wrong is not material to this argument, and is now an affair of history) hostile to the existence of the liberties of this country. The alien and sedition laws, particularly, and other measures, were thought to be the consequences and proofs of those views. If the administration had such a purpose, it was feared that the extreme case, justifying forcible resistance, might arise, but no one believed that, in point of fact, it had arrived. No one contended

that a single State possessed the power to annul the deliberate acts of the whole. And the best evidence of these remarks is the fact, that the most odious of those laws (the sedition act), was peaceably enforced in the capital of that great State which took the lead in opposition to the existing administration.

The doctrines of that day, and they are as true at this, were, that the federal government is a limited government; that it has no powers, but the granted powers. Virginia contended, that in case "of a palpable, deliberate, and dangerous exercise of other powers not granted by said compact, the States, who are parties thereto, have the right to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties, appertaining to them." Kentucky declared, that the "several States, that framed that instrument, the federal Constitution, being sovereign and independent, have the unquestionable right to judge of its instructions, and a nullification by those sovereignties, of all unauthorized acts, done under color of that instrument, is the rightful remedy."

Neither of these two commonwealths asserted the right of a single State to interpose and annul an act of the whole. This is an inference drawn from the doctrines then laid down, and it is not a principle expressly asserted or fairly deducible from the language of either. Both refer to the States collectively (and not individually), when they assert their right, in case of federal usurpation, to interpose "for arresting the progress of evil." Neither State ever did, no State ever yet has, by its separate legislation, undertaken to set aside an act of Congress.

That the States collectively may interpose their authority to check the evils of federal usurpation, is manifest. They may dissolve the Union. They may alter, at pleasure, the character of the Constitution, by amendment; they may annul any acts purporting to have been passed in conformity to it, or they may, by their elections, change the functionaries to whom the administration of its powers is confided. But no one State, by itself, is competent to accomplish these objects. The power of a single State to annul an act of the whole, has been reserved for the discovery of some politicians in South Carolina.

It is not my purpose, upon an occasion so unfit, to discuss this pretension. Upon another and a more suitable theater, it has been examined and refuted, with an ability and eloquence which have never been surpassed on the floor of Congress. But, as it is announced to be one of the means which is intended to be employed to break down the American system, I trust that I shall be excused for a few additional passing observations. On a late festive occasion, in the State where it appears to find most favor, it is said, by a gentleman whom I once proudly called my friend, and toward whom I have done nothing to change that relation—a gentleman who has been high in the councils and confidence of the nation, that the tariff must be resisted at all hazards. Another gentleman,

who is a candidate for the chief magistracy of that State, declares that the time and the case for resistance had arrived. And a third, a senator of the United States, who enjoys unbounded confidence with the American executive, laid down principles and urged arguments tending directly and inevitably to violent resistance, although he did not indicate that as his specific remedy.

The doctrine of some of the South Carolina politicians is, that it is competent to that State to annul, within its limits, the authority of an act deliberately passed by the Congress of the United States. They do not appear to have looked much beyond the simple act of nullification, into the consequences which would ensue, and have not distinctly announced, whether one of them might not necessarily be, to light up a civil war. They seem, however, to suppose, that the State might, after the act was performed, remain a member of the Union. Now if one State can, by an act of its separate power, absolve itself from the obligations of a law of Congress, and continue a part of the Union, it could hardly be expected, that any other State would render obedience to the same law. Either every other State would follow the nullifying example, or Congress would feel itself constrained, by a sense of equal duty to all parts of the Union, to repeal altogether the nullified law. Thus, the doctrine of South Carolina, although it nominally assumes to act for one State only, in effect, would be legislating for the whole Union.

Congress embodies the collective will of the whole Union, and that of South Carolina among its other members. The legislation of Congress is, therefore, founded upon the basis of the representation of all. In the Legislature, or a convention of South Carolina, the will of the people of that State is alone collected. They alone are represented, and the people of no other State have any voice in their proceedings. To set up for that a claim, by a separate exercise of its power, to legislate, in effect, for the whole Union, is to assert a pretension at war with the fundamental principles of all representative and free governments. It would practically subject the unrepresented people of all other parts of the Union to the arbitrary and despotic power of one State. It would substantially convert them into colonies, bound by the parental authority of that State.

Nor can this enormous pretension derive any support from the consideration, that the power to annul, is different from the power to originate laws. Both powers are, in their nature, legislative; and the mischiefs which might accrue to the republic from the annulment of its wholesome laws, may be just as great as those which would flow from the origination of bad laws. There are three things to which, more than all others, mankind in all ages, have shown themselves to be attached, their religion, their laws, and their language.

But it has been argued, in the most solemn manner, "that the acknowledgments of the exclusive right of the federal government to determine the limits of its own powers, amounts to a recognition of the absolute

supremacy over the States and the people, and involves the sacrifice not only of our dearest rights and interests, but the very existence of the southern States.

In cases where there are two systems of government, operating at the same time and place, over the same people, the one general, the other local or particular, one system or the other must possess the right to decide upon the extent of the powers, in cases of collision, which are claimed by the general government. No third party, of sufficient impartiality, weight, and responsibility, other than such a tribunal as a Supreme Court, has yet been devised, or perhaps can be created.

The doctrine of one side is, that the general government, though limited in its nature, must necessarily possess the power to ascertain what authority it has, and, by consequence, the extent of that authority. And that, if its legislative or executive functionaries, by act, transcend that authority, the question may be brought before the Supreme Court, and, being affirmatively decided by that tribunal, their act must be obeyed until repealed or altered by competent power.

Against the tendency of this doctrine to absorb all power, those who maintain it think there are reasonable, and, they hope, sufficient securities. In the first place, all are represented in every legislative or executive act, and, of course, each State can exert its proper influence, to prevent the adoption of any that may be deemed prejudicial or unconstitutional. Then, there are sacred oaths, elections, public virtue and intelligence, the power of impeachment, a common subjection to both systems of those functionaries who act under either, the right of the States to interpose and amend the Constitution, or to dissolve the Union; and, finally, the right, in extreme cases, when all other remedies fail, to resist insupportable oppression.

The necessity being felt, by the framers of the Constitution, to declare which system should be supreme, and believing that the securities now enumerated, or some of them, were adequate, they have accordingly provided, that the Constitution of the United States, and the laws made in pursuance of it, and all treaties made under the authority of the United States, shall be the supreme law of the land; and that the judicial power shall extend to all cases arising under the Constitution, laws, or treaties, of the United States.

The South Carolina doctrine, on the other side, is, that that State has the right to determine the limits of the powers granted to the general government; and that whenever any of its acts transcend those limits, in the opinion of the State of South Carolina, she is competent to annul them. If the power, with which the federal government is invested by the Constitution, to determine the limits of its authority, be liable to the possible danger of ultimate consolidation, and all the safeguards which have been mentioned might prove inadequate, is not this power, claimed for South Carolina, fraught with infinitely more certain, immediate, and

fatal danger? It would reverse the rule of supremacy prescribed in the Constitution. It would render the authority of a single State paramount to that of the whole Union. For, undoubtedly, that government, to some extent, must be supreme, which can annul and set aside the acts of another.

The securities which the people of other parts of the United States possess against the abuse of this tremendous power claimed for South Carolina, will be found, on comparison, to be greatly inferior to those which she has against the possible abuses of the general government. They have no voice in her councils; they could not, by the exercise of the elective franchise, change her rulers; they could not impeach her judges, they could not alter her Constitution, nor abolish her government.

Under the South Carolina doctrine, if established, the consequence would be a dissolution of the Union, immediate, inevitable, irresistible. There would be twenty-four chances to one against its continued existence. The apprehended dangers of the opposite doctrine, remote, contingent, and hardly possible, are greatly exaggerated; and, against their realization, all the precautions have been provided, which human wisdom and patriotic foresight could conceive and devise.

Those who are opposed to the supremacy of the Constitution, laws, and treaties of the United States, are adverse to all union, whatever contrary professions they may make. For it may be truly affirmed, that no confederacy of States can exist without a power, somewhere residing in the government of that confederacy, to determine the extent of the authority granted to it by the confederating States.

It is admitted that the South Carolina doctrine is liable to abuse; but it is contended that the patriotism of each State is an adequate security, and that the nullifying power would only be exercised "in an extraordinary case, where the powers reserved to the States, under the Constitution, are usurped by the federal government." And is not the patriotism of all the States as great a safeguard against the assumption of powers, not conferred upon the general government, as the patriotism of one State is against the denial of powers which are clearly granted? But the nullifying power is only to be exercised in an extraordinary case. Who is to judge of this extraordinary case? What security is there, especially in moments of great excitement, that a State may not pronounce the plainest and most common exercise of federal power an extraordinary case? The expressions in the Constitution, "general welfare," have been often justly criticised, and shown to convey, in themselves, no power, although they may indicate how the delegated power should be exercised. But this doctrine of an extraordinary case, to be judged of and applied by one of the twenty-four sovereignties, is replete with infinitely more danger, than the doctrine of the "general welfare" in the hands of all.

We may form some idea of future abuses under the South Carolina doctrine, by the application which is now proposed to be made of it. The

American system is said to furnish an extraordinary case, justifying that State to nullify it. The power to regulate foreign commerce by a tariff, so adjusted as to foster our domestic manufactures, has been exercised from the commencement of our present Constitution down to the last session of Congress. I have been a member of the House of Representatives at three different periods, when the subject of the tariff was debated at great length, and on neither, according to my recollection, was the want of a constitutional power in Congress, to enact it, dwelt on as forming a serious and substantial objection to its passage. On the last occasion (I think it was) in which I participated in the debate, it was incidentally said to be against the spirit of the Constitution. While the authority of the father of the Constitution is invoked to sanction, by a perversion of his meaning, principles of disunion and rebellion, it is rejected to sustain the controverted power, although his testimony in support of it has been clearly and explicitly rendered. This power, thus asserted, exercised, and maintained, in favor of which leading politicians in South Carolina have themselves voted, is alleged to furnish "an extraordinary case," where the powers reserved to the States, under the Constitution, are usurped by the general government. If it be, there is scarcely a statute in our code which would not present a case equally extraordinary, justifying South Carolina or any other State to nullify it.

The United States are not only threatened with the nullification of numerous acts, which they have deliberately passed, but with a withdrawal of one of the members from the confederacy. If the unhappy case should ever occur, of a State being really desirous to separate itself from the Union, it would present two questions. The first would be, whether it had a right to withdraw, without the common consent of the members; and, supposing, as I believe, no such right to exist, whether it would be expedient to yield consent. Although there may be power to prevent a secession, it might be deemed politic to allow it. It might be considered expedient to permit the refractory State to take the portion of goods that falleth to her, to suffer her to gather her all together, and to go off with her living. But, if a State should be willing, and allowed thus to depart, and to renounce her future portion of the inheritance of this great, glorious, and prosperous republic, she would speedily return, and, in language of repentance, say to the other members of this Union, "Brethren, I have sinned against heaven and before thee." Whether they would kill the fatted calf, and, chiding any complaining member of the family, say, "This thy sister was dead, and is alive again; and was lost, and is found," I sincerely pray the historian may never have occasion to record.

But nullification and disunion are not the only nor the most formidable means of assailing the tariff. Its opponents opened the campaign at the last session of Congress, and, with the most obliging frankness, have since publicly exposed their plan of operations. It is, to divide and conquer; to attack and subdue the system in detail. They began by reducing the

duty on salt and molasses, and, restoring the drawback of the duty on the latter article, allowed the exportation of spirits distilled from it. To all who are interested in the distillation of spirits from native materials, whether fruit, molasses, or grain, this latter measure is particularly injurious. During the administration of Mr. Adams, the duty on foreign molasses was augmented, and the drawback, which had been previously allowed of the duty upon the exportation of spirits distilled from it, was repealed. The object was to favor native produce, and to lessen the competition of foreign spirits, or spirits distilled from foreign materials, with spirits distilled from domestic materials. It was deemed to be especially advantageous to the western country, a great part of whose grain can only find markets at home and abroad by being converted into distilled spirits. Encouraged by this partial success, the foes of the tariff may next attempt to reduce the duties on iron, woolens, and cotton fabrics, successively. The American system of protection should be regarded, as it is, an entire and comprehensive system, made up of various items, and aiming at the prosperity of the whole Union, by protecting the interests of each part. Every part, therefore, has a direct interest in the protection which it enjoys of the articles which its agriculture produces, or its manufactories fabricate, and also a collateral interest in the protection which other portions of the Union derive from their peculiar interests. Thus, the aggregate of the prosperity of all is constituted by the sums of the prosperity of each.

Take any one article of the tariff (iron, for example), and there is no such direct interest in its protection, pervading the major part of the United States, as would induce Congress to encourage it, if it stood alone. The States of Pennsylvania, New Jersey, New York, and Kentucky, which are most concerned, are encouraged in the production or manufacture of this article, in consequence of the adoption of a general principle, which extends protection to other interests in other parts of the Union.

The stratagem which has been adopted by the foes of the system, to destroy it, requires the exercise of constant vigilance and firmness, to prevent the accomplishment of the object. They have resolved to divide and conquer—the friends of the system should assume the revolutionary motto of our ancestors, "united we stand, divided we fall." They should allow no alteration in any part of the system, as it now exists, which did not aim at rendering more efficacious the system of protection, on which the whole is founded. Every one should reflect, that it is not equal, to have a particular interest which he is desirous should be fostered, in his part of the country, protected against foreign competition, without his being willing to extend the principle to other interests, deserving protection, in other parts of the Union.

But the measure of reducing the duty on salt and molasses, and reviving the drawback on the importation of spirits distilled from molasses, was an attack on the system, less alarming than another which was made during the last session of Congress, on a kindred system.

If any thing could be considered as settled, under the present Constitution of our government, I had supposed that it was its authority to construct such internal improvements as may be deemed by Congress necessary and proper to carry into effect the power granted to it. For nearly twenty-five years, the power has been asserted and exercised by the government. For the last fifteen years it has been often controverted in Congress, but it has been invariably maintained, in that body, by repeated decisions, pronounced after full and elaborate debate, and at intervals of time implying the greatest deliberation. Numerous laws attest the existence of the power; and no less than twenty-odd laws have been passed in relation to a single work. This power, necessary to all parts of the Union, is indispensable to the West. Without it, this section can never enjoy any part of the benefit of a regular disbursement of the vast revenues of the United States. I recollect perfectly well, that, at the last great struggle for the power, in 1824, Mr. P. P. Barbour, of Virginia, the principal champion against it, observed to me, that if it were affirmed on that occasion (Mr. Hemphill's survey bill), he should consider the question settled. And it was affirmed.

Yet we are told that this power can no longer be exercised without an amendment of the Constitution. On the occasion in South Carolina, to which I have already adverted, it was said, that the tariff and internal improvements are intimately connected, and that the death-blow which it was hoped the one had received, will finally destroy the other. I concur in the opinion, that they are intimately, if not indissolubly, united. Not connected together, with the fraudulent intent which has been imputed, but by their nature, by the tendency of each to advance the objects of the other, and of both to augment the sum of national prosperity.

If I could believe that the executive message, which was communicated to Congress upon the application of the veto to the Maysville road, really expressed the opinion of the President of the United States, in consequence of the unfortunate relations which have existed between us, I would forbear to make any observation upon it. It has his name affixed to it; but it is not every paper which bears the name of a distinguished personage, that is his, or expresses his opinions. We have been lately informed, that the unhappy king of England, in perhaps his last illness, transmitted a paper to Parliament, with his royal signature attached to it, which became an object of great curiosity. Can any one believe, that that paper conveyed any other sentiments than those of his majesty's ministers? It is impossible, that the veto message should express the opinions of the president, and I prove it by evidence derived from himself. Not forty days before that message was sent to Congress, he approved a bill embracing appropriations to various objects of internal improvement, and among others, to improve the navigation of Conneaut creek. Although somewhat acquainted with the geography of our country, I declare, I did not know of the existence of such a stream until I read the bill. I have since made it an

object of nquiry, and have been told, that it rises in one corner of Pennsylvania, and is discharged into Lake Erie, in a corner of the State of Ohio; and that the utmost extent to which its navigation is susceptible of improvement, is about seven miles. Is it possible that the president could conceive that a national object, and that the improvement of a great thoroughfare, on which the mail is transported for some eight or ten States and Territories, is not a national consideration? The power to improve the navigation of watercourses, nowhere expressly recognized in the Constitution, is infinitely more doubtful than the establishment of mail roads, which is explicitly authorized in that instrument! Did not the president, during the canvass which preceded his election, in his answer to a letter from Governor Ray, of Indiana, written at the instance of the Senate of that respectable State, expressly refer to his votes given in the Senate of the United States, for his opinion as to the power of the general government, and inform him that his opinion remained unaltered? And do we not find, upon consulting the journals of the Senate, that among other votes affirming the existence of the power, he voted for an appropriation to the Chesapeake and Delaware canal, which is only about fourteen miles in extent? And do we not know, that it was at that time, like the Maysville road now, in progress of execution under the direction of a company incorporated by a State? And that, while the Maysville road had a connection with roads east of Maysville and south-west of Lexington, the turnpiking of which was contemplated, that canal had no connection with any other existing canal?

The veto message is perfectly irreconcilable with the previous acts, votes, and opinions, of General Jackson. It does not express his opinions, but those of his advisers and counselors, and especially those of his cabinet. If we look at the composition of that cabinet, we can not doubt it. Three of the five, who, I believe, compose it (whether the postmaster-general be one or not, I do not know), are known to be directly and positively opposed to the power; a fourth, to use a term descriptive of the favorite policy of one of them, is a non-committal, and as to the fifth, good Lord deliver us from such friendship as his to internal improvements! Further, I have heard it from good authority (but I will not vouch for it, although I believe it to be true), that some of the gentlemen from the South waited upon the president, while he held the Maysville bill under consideration, and told him if he approved of that bill, the South would no longer approve of him, but oppose his administration.

I can not, therefore, consider the message as conveying the sentiments and views of the president. It is impossible. It is the work of his cabinet; and if, unfortunately, they were not practically irresponsible to the people of the United States, they would deserve severe animadversion for having prevailed upon the president, in the precipitation of business, and perhaps without his spectacles, to put his name to such a paper, and send it forth to Congress and to the nation. Why, I have read that paper again

and again; and I never can peruse it without thinking of diplomacy, and the name of Talleyrand, Talleyrand, Talleyrand, perpetually recurring. It seems to have been written in the spirit of an accommodating soul, who, being determined to have fair weather in any contingency, was equally ready to cry out, good Lord, good devil. Are you for internal improvements? you may extract from the message texts enough to support your opinion. Are you against them? the message supplies you with abundant authority to countenance your views. Do you think that a long and uninterrupted current of concurring decisions ought to settle the question of a controverted power? so the authors of the message affect to believe. But ought any precedents, however numerous, to be allowed to establish a doubtful power? the message agrees with him who thinks not.

I can not read this singular document without thinking of Talleyrand. That remarkable person was one of the most eminent and fortunate men of the French Revolution. Prior to its commencement, he held a bishopric under the ill-fated Louis the Sixteenth. When that great political storm showed itself above the horizon, he saw which way the wind was going to blow, and trimmed his sails accordingly. He was in the majority of the Convention, of the National Assembly, and of the party that sustained the bloody Robespierre and his cut-throat successor. He belonged to the party of the consuls, the consul for life, and finally the emperor. Whatever party was uppermost, you would see the head of Talleyrand always high among them, never down. Like a certain dexterous animal, throw him as you please, head or tail, back or belly uppermost, he is always sure to light upon his feet. During a great part of the period described, he was minister of foreign affairs, and although totally devoid of all principle, no man ever surpassed him in the adroitness of his diplomatic notes. He is now, at an advanced age, I believe, grand chamberlain of his majesty, Charles the Tenth.

I have lately seen an amusing anecdote of this celebrated man, which forces itself upon me whenever I look at the cabinet message. The king of France, like our president, toward the close of the last session of Congress, found himself in a minority. A question arose, whether, in consequence, he should dissolve the Chamber of Deputies, which resembles our House of Representatives. All France was agitated with the question. No one could solve it. At length, they concluded to go to that sagacious, cunning old fox, Talleyrand, to let them know what should be done. I tell you what, gentlemen, said he (looking very gravely, and taking a pinch of snuff), in the morning I think his majesty will dissolve the Deputies; at noon I have changed that opinion; and at night I have no opinion at all. Now, on reading the first column of this message, one thinks that the cabinet have a sort of an opinion in favor of internal improvements, with some limitations. By the time he has read to the middle of it, he concludes they have adopted the opposite opinion; and when he gets to

the end of it, he is perfectly persuaded, they have no opinion of their own whatever!

Let us glance at a few only of the reasons, if reasons they can be called, of this piebald message. The first is, that the exercise of the power has produced discord, and, to restore harmony to the national councils, it should be abandoned, or, which is tantamount, the Constitution must be amended. The president is therefore advised to throw himself into the minority. Well—did that revive harmony? When the question was taken in the House of the people's representatives, an obstinate majority still voted for the bill, the objections in the message notwithstanding. And in the Senate, the representatives of the States, a refractory majority, stood unmoved. But does the message mean to assert, that no great measure, about which public sentiment is much divided, ought to be adopted in consequence of that division? Then none can ever be adopted. Apply this new rule to the case of the American Revolution. The colonies were rent into implacable parties—the tories everywhere abounded, and in some places outnumbered the whigs. This continued to be the state of things throughout the revolutionary contest. Suppose some timid, time-serving whig had, during its progress, addressed the public, and, adverting to the discord which prevailed, and the expediency of restoring harmony in the land, had proposed to abandon or postpone the establishment of our liberty and independence, until all should agree in asserting them? The late war was opposed by a powerful and talented party; what would have been thought of president Madison, if, instead of a patriotic and energetic message, recommending it, as the only alternative, to preserve our honor and vindicate our right, he had come to Congress with a proposal that we should continue to submit to the wrongs and degradation inflicted upon our country by a foreign power, because we were, unhappily, greatly divided? What would have become of the settlement of the Missouri question, the tariff, the Indian bill of the last session, if the existence of a strong and almost equal division in the public councils ought to have prevented their adoption? The principle is nothing more nor less than a declaration, that the right of the majority to govern, must yield to the perseverance, respectability, and numbers of the minority. It is in keeping with the nullifying doctrines of South Carolina, and is such a principle as might be expected to be put forth by such a cabinet. The government of the United States, at this juncture, exhibits a most remarkable spectacle. It is that of a majority of the nation having put the powers of government into the hands of the minority. If any one can doubt this, let him look back at the elements of the executive, at the presiding officers of the two Houses, at the composition and the chairmen of the most important committees, who shape and direct the public business in Congress. Let him look, above all, at measures, the necessary consequences of such an anomalous state of things—internal improvements gone, or going; the whole American system threatened, and the triumphant shouts of antici-

pated victory sounding in our ears. Georgia, extorting from the fears of an affrighted majority of Congress an Indian bill, which may prostrate all the laws, treaties, and policy which have regulated our relations with the Indians from the commencement of our government; and politicians in South Carolina, at the same time, brandishing the torch of civil war, and pronouncing unbounded eulogiums upon the president, for the good he has done, and the still greater good which they expect at his hands, and the sacrifice of the interests of the majority.

Another reason assigned in the Maysville message is, the desire of paying the national debt. By an act passed in the year 1817, an annual appropriation was made of ten millions of dollars, which were vested in the commissioners of the sinking fund, to pay the principal and interest of the public debt. That act was prepared and carried through Congress by one of the most estimable and enlightened men that this country ever produced, whose premature death is to be lamented on every account, but especially because, if he were now living, he would be able, more than any other man, to check the extravagance and calm the violence raging in South Carolina, his native State. Under the operation of that act, nearly one hundred and fifty millions of the principal and interest of the public debt were paid, prior to the commencement of the present administration. During that of Mr. Adams, between forty and fifty were paid, while larger appropriations of money and land were made, to objects of internal improvement, than ever had been made by all preceding administrations together. There only remained about fifty millions to be paid, when the present chief magistrate entered on the duties of that office, and a considerable portion of that can not be discharged during the present official term.

The redemption of the debt is, therefore, the work of Congress; the president has nothing to do with it, the Secretary of the Treasury being directed annually to pay the ten millions to the commissioners of the sinking fund, whose duty it is to apply the amount to the extinguishment of the debt. The secretary himself has no more to do with the operation, than the hydrants through which the water passes to the consumption of the population of this city. He turns the cock on the first of January, and the first of July, in each year, and the public treasure is poured out to the public creditor from the reservoir, filled by the wisdom of Congress. It is evident, from this just view of the matter, that Congress, to which belongs the care of providing the ways and means, was as competent as the president to determine what portion of their constituents' money could be applied to the improvement of their condition. As much of the public debt as can be paid, will be discharged in four years by the operation of the sinking fund. I have seen, in some late paper, a calculation of the delay which would have resulted, in its payment, from the appropriation to the Maysville road, and it was less than one week! How has it happened, that, under the administration of Mr. Adams, and during every year of it,

such large and liberal appropriations could be made for internal improvements, without touching the fund devoted to the public debt, and that this administration should find itself baulked in its first year?

The veto message proceeds to insist, that the Maysville and Lexington road is not a national but a local road, of sixty miles in length, and confined within the limits of a particular State. If, as that document also asserts, the power can, in no case, be exercised until it shall have been explained and defined by an amendment of the Constitution, the discrimination of national and local roads, would seem to be altogether unnecessary. What is or is not a national road, the message supposes may admit of controversy, and is not susceptible of precise definition. The difficulty which its authors imagine, grows out of their attempt to substitute a rule founded upon the extent and locality of the road, instead of the use and purposes to which it is applicable. If the road facilitates, in a considerable degree, the transportation of the mail to a considerable portion of the Union, and at the same time promotes internal commerce among several States, and may tend to accelerate the movement of armies, and the distribution of the munitions of war, it is of national consideration. Tested by this, the true rule, the Maysville road was undoubtedly national. It connects the largest body, perhaps, of fertile land in the Union, with the navigation of the Ohio and Mississippi rivers, and with the canals of the States of Ohio, Pennsylvania, and New York. It begins on the line which divides the States of Ohio and Kentucky, and, of course, quickens trade and intercourse between them. Tested by the character of other works, for which the president, as a senator, voted, or which were approved by him only about a month before he rejected the Maysville bill, the road was undoubtedly national.

But this view of the matter, however satisfactory it ought to be, is imperfect. It will be admitted that the Cumberland road is national. It is completed no further than Zanesville, in the State of Ohio. On reaching that point two routes present themselves for its further extension, both national, and both deserving of execution. One leading north-westwardly, through the States of Ohio, Indiana, and Illinois, to Missouri, and the other south-westwardly, through the States of Ohio, Kentucky, Tennessee, and Alabama, to the Gulf of Mexico. Both have been long contemplated. Of the two, the south-western is the most wanted, in the present state of population, and will probably always be of the greatest use. But the north-western route is in process of execution beyond Zanesville, and appropriations toward part of it were sanctioned by the president at the last session. National highways can only be executed in sections, at different times. So the Cumberland road was and continues to be constructed. Of all the parts of the south-western route, the road from Maysville to Lexington is most needed, whether we regard the amount of transportation and traveling upon it, or the impediments which it presents in the winter and

spring months. It took my family four days to reach Lexington from Maysville, in April, 1829.

The same scheme which has been devised and practiced to defeat the tariff, has been adopted to undermine internal improvements. They are to be attacked in detail. Hence the rejection of the Maysville road, the Fredericktown road, and the Louisville canal. But is this fair? Ought each proposed road to be viewed separately and detached? Ought it not to be considered in connection with other great works which are in process of execution, or are projected? The policy of the foes indicates what ought to be the policy of the friends of the power.

The blow aimed at internal improvements has fallen with unmerited severity upon the State of Kentucky. No State in the Union has ever shown more generous devotion to its preservation and to the support of its honor and its interest than she has. During the late war, her sons fought gallantly by the side of the president, on the glorious 8th of January, when he covered himself with unfading laurels. Wherever the war raged, they were to be found among the foremost in battle, freely bleeding in the service of their country. They have never threatened nor calculated the value of this happy Union. Their representatives in Congress have con tantly and almost unanimously supported the power, cheerfully voting for large appropriations to works of internal improvements in other States. Not one cent of the common treasure has been expended on any public road in that State. They contributed to the elevation of the president, under a firm conviction, produced by his deliberate acts, and his solemn assertions, that he was friendly to the power. Under such circumstances, have they not just and abundant cause of surprise, regret, and mortification at the late unexpected decision?

Another mode of destroying the system, about which I fear I have detained you too long, which its foes have adopted, is to assail the character of its friends. Can you otherwise account for this spirit of animosity with which I am pursued? A sentiment this morning caught my eye, in the shape of a 4th of July toast, proposed at the celebration of that anniversary in South Carolina, by a gentleman whom I never saw, and to whom I am a total stranger. With humanity, charity, and Christian benevolence, unexampled, he wished that I might be driven so far beyond the frigid regions of the northern zone, that all hell could not thaw me! Do you believe it was against me, this feeble and frail form, tottering with age, this lump of perishing clay that all this kindness was directed? No, no, no. It was against the measures of policy which I have espoused, against the system which I have labored to uphold, that it was aimed. If I had been opposed to the tariff, and internal improvements, and in favor of the South Carolina doctrine of nullification, the same worthy gentleman would have wished that I might be ever fanned by soft breezes, charged with aromatic odors—that my path might be strewed with roses, and my abode be an earthly paradise. I am now a private man, the humblest of

the humble, possessed of no office, no power, no patronage, no subsidized press, no post-office department to distribute its effusions, no army, no navy, no official corps to chant my praises, and to drink, in flowing bowls, my health and prosperity. I have nothing but the warm affections of a portion of the people, and a fair reputation, the only inheritance derived from my father, and almost the only inheritance which I am desirous of transmitting to my children.

The present chief magistrate has done me much wrong, but I have freely forgiven him. He believed, no doubt, that I had done him previous wrong. Although I am unconscious of it, he had that motive for his conduct toward me. But others who had joined in the hue and cry against me, had no such pretext. Why then am I thus pursued, my words perverted and distorted, my acts misrepresented? Why do more than a hundred presses daily point their cannon at me, and thunder forth their peals of abuse and detraction? It is not against me. That is impossible. A few years more, and this body will be where all is still and silent. It is against the principles of civil liberty, against the tariff and internal improvements, to which the better part of my life has been devoted, that this implacable war is waged. My enemies flatter themselves, that those systems may be overthrown by my destruction. Vain and impotent hope! My existence is not of the smallest consequence to their preservation. They will survive me. Long, long after I am gone, while the lofty hills encompass this fair city, the offspring of those measures shall remain; while the beautiful river that sweeps by its walls, shall continue to bear upon its proud bosom the wonders which the immortal genius of Fulton, with the blessings of Providence, has given; while truth shall hold its sway among men, those systems will invigorate the industry, and animate the hopes, of the farmer, the mechanic, the manufacturer, and all other classes of our countrymen.

People of Ohio here assembled—mothers—daughters—sons, and sires, when reclining on the peaceful pillow of repose, and communing with your own hearts, ask yourselves, if I ought to be the unremitting object of perpetual calumny. If, when the opponents of the late president gained the victory on the 4th of March, 1829, the war ought not to have ceased, quarter been granted, and prisoners released? Did not those opponents obtain all the honors, offices, and emoluments of government? the power, which they have frequently exercised, of rewarding whom they pleased, and punishing whom they could? Was not all this sufficient? Does it all avail not, while Mordecai, the Jew, stands at the king's gate?

I thank you, fellow-citizens, again and again, for the numerous proofs you have given me of your attachment and confidence. And may your fine city continue to enjoy the advantages of the enterprise, industry, and public spirit of its mechanics and other inhabitants, until it rises in wealth, extent, and prosperity, with the largest of our Atlantic capitals.

REDUCTION OF DUTIES ON IMPORTS.

IN THE SENATE OF THE UNITED STATES, JANUARY 11, 1832.

[We find Mr. Clay again in Congress, and in the Senate. One of the strongest motives for going there was, doubtless, to save his American System from being damaged by rash legislation, to which it was exposed, not only by hostility to it from the South, but by the willingness of the President of the United States, General Jackson, to do any thing that would annoy Mr. Clay, and detract from his fame. The American System, commenced in 1824, had been immensely beneficial to the country, was well appreciated by the people, and Mr. Clay had all the credit of it. This great fact put him on the shoulders of the American people, and they would throw up their hats for him anywhere. The public debt had been rapidly liquidated, and was now reduced to the small item of twenty-four millions, most of which was provided for the ensuing year. It was clear enough, therefore, that the duties on imports, which were the chief source of revenue, might be reduced, and that this measure was called for. But the principle of reduction was the great question to be settled. The South—especially South Carolina—demanded the demolition of the protective system, which, for the last few years, had been the cause of such great public prosperity, and which Mr. Clay wished to preserve in such a degree as might be necessary for the required revenue and the continued prosperity of the country, both of which objects a proper discrimination in the reduction of duties would effectually secure. But there was the eagle eye of Mr. Calhoun, who believed that the protective system was injurious to the South ; and there was the envious disposition of General Jackson, who studied to impair the popularity of Mr. Clay. These were potent agencies which Mr. Clay foresaw would be brought to bear on his American System, and if possible to break it down. In anticipation of these demonstrations, and foreseeing that duties on imports

must be reduced, for reasons above named, he introduced into the Senate the following resolution :

"Resolved, that the existing duties upon articles imported from foreign countries, and not coming into competition with similar articles made or produced within the United States, ought to be forthwith abolished, except the duties upon wines and silks, and that those ought to be reduced. And that the committee on finance be instructed to report a bill accordingly."

This resolution he supported by a speech, as follows, opening the debate on the great question, in which he afterward participated in an argument of great length and force, as we shall have occasion to see.]

I HAVE a few observations, Mr. President, and only a few, to submit to the Senate, on the measure now before you, in doing which I have to ask all your indulgence. I am getting old; I feel but too sensibly and unaffectedly the effects of approaching age, and I have been for some years very little in the habit of addressing deliberative assemblies. I am told that I have been the cause—the most unwilling cause, if I have been—of exciting expectations, the evidence of which is around us. I regret it; for, however the subject on which I am to speak, in other hands, might be treated, to gratify or to reward the presence and attention now given in mine, I have nothing but a plain, unvarnished, and unambitious exposition to make.

It forms no part of my present purpose to enter into a consideration of the established policy of protection. Strong in the convictions and deeply seated in the affections of a large majority of the people of the United States, it stands self-vindicated in the general prosperity, in the rich fruits which it has scattered over the land, in the experience of all prosperous and powerful nations, present and past, and now in that of our own. Nor do I think it necessary to discuss that policy on this resolution. Other gentlemen may think differently, and may choose to argue and assail it. If they do, I have no doubt that in all parts of the Senate, members more competent than I am, will be ready to support and defend it. My object now is to limit myself to a presentation of certain views and principles connected with the present financial condition of the country.

A consideration of the state of the public revenue has become necessary in consequence of the near approach of the entire extinction of the public debt; and I concur with you, sir, in believing that no season could be more appropriate than the present session of Congress, to endeavor to make a satisfactory adjustment of the tariff. The public debt chiefly arose out of the late war, justly denominated the second contest for national independence. An act, commonly called the sinking-fund act, was passed by Congress nearly fifteen years ago, providing for its reimbursement. That act was prepared by a friend of yours and mine, and proposed by him,

whose premature death was not a loss merely to his native State, of which he was one of its brightest ornaments, but to the whole nation. No man with whom I ever had the honor to be associated in the legislative councils, combined more extensive and useful information, with more firmness of judgment, and blandness of manner, than did the lamented Mr. Lowndes. And when in the prime of life, by the dispensation of an all-wise Providence, he was taken from us, his country had reason to anticipate the greatest benefits from his wisdom and discretion. By that act an annual appropriation was made, of ten millions of dollars, toward the payment of the principal and interest of the public debt, and also any excess which might yearly be in the treasury, beyond two millions of dollars, which it was thought prudent to reserve for unforeseen exigences.

But this system of regular and periodical application of public revenue to the payment of the public debt, would have been unavailing if Congress had neglected to provide the necessary ways and means. Congress did not, however, neglect the performance of that duty. By various acts, and more especially by the tariff of 1824—the abused tariff of 1824—the public coffers were amply replenished, and we have been enabled to reach our present proud eminence of financial prosperity. After Congress had thus abundantly provided funds, and directed their systematical application, the duty remaining to be performed by the executive was one simply ministerial. And no executive, and no administration, can justly claim for itself any other merit in the discharge of the public debt than that of a faithful execution of the laws; no other merit than that similar one to which it is entitled, for directing a regular payment of what is due from time to time to the army and navy, or to the officers of the civil government for their salaries.

The operation of the sinking-fund act commenced with the commencement of Mr. Monroe's administration. During its continuance, of eight years, in consequence of the embarrassments of the treasury, the ten millions were not regularly applied to the payment of the debt, and upon the termination of that administration the treasury stood largely in arrear to the sinking-fund. During the subsequent administration of four years, not only were the ten millions faithfully applied during each year, but those arrears were brought up, and all previous deficiences made good. So that, when the present administration began, a plain, unincumbered, and well-defined path lay directly before it. Under the measures which have been devised in the short term of fifteen years, the government has paid nearly one hundred millions of principal, and about an equal sum of interest, leaving the small remnant behind of twenty-four millions. Of that amount, thirteen millions consist of three per cent. stock, created by the act of 1790, which the government does not stand bound to redeem at any prescribed time, but which it may discharge whenever it may suit its own convenience, and when it is discharged it must be done by the payment of dollar for dollar. I can not think, and I should suppose Congress can

hardly believe with the Secretary of the Treasury, that it would be wise to pay off a stock of thirteen millions, entitling its holders to but three per cent., with a capital of thirteen millions, worth an interest of six per cent. In other words, to take from the pockets of the people two dollars, to pay one in the hands of the stockholder.

The moral value of the payment of a national debt consists in the demonstration which it affords of the ability of a country to meet, and its integrity in fulfilling, all its engagements. That the resources of this country, increasing, as it constantly is, in population and wealth, are abundantly sufficient to meet any debt, which it may ever prudently contract, can not be doubted. And its punctuality and probity, from the period of the assumption, in 1790, of the debt of the Revolution, down to the present time, rest upon a solid and incontestable foundation. The danger is not, perhaps, that it will not fairly meet its engagements, but that, from an inordinate avidity, arising from temporary causes, it may bring discredit upon itself by improvident arrangements, which no prudent man, in the management of his private affairs, would ever think of adopting.

Of the residue of that twenty-four millions of debt, after deducting the thirteen millions of three per cent., less than two millions are due, and of right payable within the present year. If to that sum be added the moiety which becomes due on the 31st of December next, of the four million four hundred and fifty-four thousand seven hundred and twenty-seven dollars, created by the act of the 26th of May, 1824, we have but a sum of about four millions, which the public creditor can lawfully demand, or which the government is bound to pay in the course of this year. If more is paid, it can only be done by anticipating the period of its payment, and going into the public market to purchase the stock. Can it be doubted that, if you do so, the vigilant holder of the stock, taking advantage of your anxiety, will demand a greater price than its value? Already we perceive that the three per cent. have risen to the extraordinary height of ninety-six per cent. The difference between a payment of the inconsiderable portion remaining of the public debt in one, two, or three years, is certainly not so important as to justify a resort to highly disadvantageous terms.

Whoever may be entitled to the credit of the payment of the public debt, I congratulate you, sir, and the country, most cordially, that it is so near at hand. It is so nearly being totally extinguished, that we may now safely inquire whether, without prejudice to any established policy, we may not relieve the consumption of the country, by the repeal or reduction of duties, and curtail considerably the public revenue. In making this inquiry, the first question that presents itself is, whether it is expedient to preserve the existing duties in order to accumulate a surplus in the treasury, for the purpose of subsequent distribution among the several States. I think not. If the collection for the purpose of such a surplus is to be made from the pockets of one portion of the people, to be ultimately returned to the same pockets, the process would be attended with the cer-

tain loss arising from the charges of collection, and with the loss also of interest while the money is performing the unnecessary circuit, and it would therefore be unwise. If it is to be collected from one portion of the people and given to another, it would be unjust. If it is to be given to the States in their corporate capacity, to be used by them in their public expenditure, I know of no principle in the Constitution that authorizes the federal government to become such a collector for the States, nor of any principle of safety or propriety which admits of the States becoming such recipients of gratuity from the general government.

The public revenue, then, should be regulated and adapted to the proper service of the general government. It should be ample; for a deficit in the public income, always to be deprecated, is sometimes attended, as we know well from history and from what has happened in our own time, with fatal consequences. In a country so rapidly growing as this is, with such diversified interests, new wants and unexpected calls upon the public treasury must frequently occur. Take some examples from this session. The State of Virginia has presented a claim for an amount but little short of a million, which she presses with an earnestness demonstrating her conviction of its justice. The State of South Carolina has also a claim for no inconsiderable sum, being upward of one hundred thousand dollars, which she urges with equal earnestness. The gentleman from Pennsylvania (Mr. Wilkins) has brought forward a claim arising out of French spoliations previous to the convention of 1800, which is perhaps not short of five millions, and to some extent I have no doubt it has a just foundation. In any provision of public revenue, Congress ought so to fix as to admit of the payment of honest and proper demands, which its justice can not reject or evade.

I hope, too, that either in the adjustment of the public revenue, or what would be preferable, in the appropriation of the proceeds of the public lands, effectual and permanent provision will be made for such internal improvements as may be sanctioned by Congress. This is due to the American people, and emphatically due to the western people. Sir, temporary causes may exact a reluctant acquiescence from the people of the West in the suspension of appropriations to objects of internal improvement, but as certain as you preside in that chair, or as the sun performs its diurnal revolution, they will not be satisfied with an abandonment of the policy. They will come here and tell you, not in a tone of menace or supplication, but in the language of conscious right, that they must share with you in the benefits, as they divide with you the burdens and the perils, of a common government. They will say that they have no direct interest in the expenditures for the navy, the fortifications, nor even the army, those greatest absorbents of the public treasure; that they are not indifferent, indeed, to the safety and prosperity of any part of our common country. On the contrary, that every portion of the republic is indirectly, at least, interested in the welfare of the whole, and that they ever sympathize

in the distresses and rejoice in the happiness of the most distant quarter of the Union. And to demonstrate that they are not careless or indifferent to interests not directly their own, they may proudly and triumphantly appeal to the gallant part which they bore in the late war, and point to the bloody fields on which some of their most patriotic sons nobly fell fighting in the common cause. But they will also say, that these paternal and just sentiments ought to be reciprocated by their Atlantic brethren; that these ought not to be indifferent to the welfare of the West, and that they have the same collateral or indirect interest in its success and advancement that the West has in theirs; that it does not ask internal improvements to be confined exclusively to itself, but that it may receive, in common with the rest of the Union, a practical benefit in the only form compatible with its interior condition.

The appropriation of the proceeds of the public lands, or a considerable portion of them, to that object, would be a most natural and suitable disposition. And I do hope, sir, that that great resource will be cherished and dedicated to some national purpose, worthy of the republic. Utterly opposed as I trust Congress will show itself to be, to all the mad and wild schemes—and to that latest, but maddest and wildest of all, recommended by the Secretary of the Treasury—for squandering the public domain, I hope it will be preserved for the present generation and for posterity, as it has been received from our ancestors, a rich and bountiful inheritance. In these halcyon days of peace and plenty and an overflowing treasury, we appear to embarrass ourselves in devising visionary schemes for casting away the bounties with which the goodness of Providence has blessed us. But, sir, the storm of war will come when we know not, the day of trial and difficulty will assuredly come, and now is the time, by a prudent forecast, to husband our resources, and this the greatest of them all. Let them not be hoarded and hugged with a miser's embrace, but liberally used. Let the public lands be administered in a generous spirit; and especially toward the States within which they are situated. Let the proceeds of the sales of the public lands be applied in a season of peace to some great object, and when war does come, by suspending that application of them during its continuance, you will be at once put in possession of means for its vigorous prosecution. More than twenty-five years ago, when first I took a seat in this body, I was told by the fathers of the government, that if we had any thing perfect in our institutions, it was the system for disposing of the public lands, and I was cautioned against rash innovations in it. Subsequent experience fully satisfied me of the wisdom of their counsels, and that all vital changes in it ought to be resisted.

Although it may be impracticable to say what the exact amount of the public revenue should be for the future, and what would be the precise produce of any given system of imposts, we may safely assume that the revenue may now be reduced, and considerably reduced. This reduction

may be effected in various ways, and on different principles. Only three modes shall now be noticed.

First, to reduce duties on all articles in the same ratio, without regard to the principle of protection.

Second, to retain them on the unprotected articles, and augment them on the protected articles. And,

Third, to abolish and reduce the duties on unprotected articles, retaining and enforcing the faithful collection of those on the protected articles.

To the first mode there are insuperable objections. It would lead inevitably to the destruction of our home manufactures. It would establish a sort of bed of Procrustes, by which the duties on all articles should be blindly measured, without respect to their nature or the extent of their consumption. And it would be derogatory to every principle of theory or practice on which the government has hitherto proceeded.

The second would be still more objectionable to the foes of the tariff than either of the others. But it can not be controverted, that, by augmenting considerably the duties on the protected class, so as to carry them to the point, or near to the confines, of absolute prohibition, the object in view, of effecting the necessary reduction of the public revenue, may be accomplished without touching the duties on the unprotected class. The consequence of such an augmentation would be, a great diminution in the importation of the foregoing article, and of course in the duties upon it. But against entire prohibition, except perhaps in a few instances, I have been always, and still am, opposed. By leaving the door open to the foreign rival article, the benefit is secured of a salutary competition. If it be hermetically closed, the danger is incurred of monopoly. The third mode is the most equitable and reasonable, and it presents an undebatable ground, on which I had hoped we all could safely tread without difficulty. It exacts no sacrifice of principle from the opponent of the American system, it comprehends none on the part of its friends. The measure before you embraces this mode. It is simple, and free from all complexity. It divides the whole subject of imposts according to its nature. It settles at once what ought not to be disputed, and leaves to be settled hereafter, if necessary, what may be controverted.

A certain part of the South has hitherto complained, that it pays a disproportionate amount of the imposts. If the complaint be well founded, by the adoption of this measure it will be relieved at once, as will be hereafter shown, from at least a fourth of its burdens. The measure is in conformity with the uniform practice of the government from its commencement, and with the professions of all the eminent politicians of the South until of late. It assumes the right of the government, in the assessment of duties, to discriminate between those articles which sound policy requires it to foster and those which it need not encourage. This has been the invarible principle on which the government has proceeded, from the act of Congress of the 4th of July, 1789, down to the present

time. And has it not been admitted by almost every prominent southern politician? Has it not even been acknowledged by the fathers of the free-trade church, in their late address promulgated from Philadelphia to the people of the United States? If we never had a system of foreign imposts, and were now called upon for the first time to originate one, should we not discriminate between the objects of our own industry and those produced by foreigners? And is there any difference in its application between the modification of an existing system and the origination of a new one? If the gentlemen of the South, opposed to the tariff, were to obtain complete possession of the powers of government, would they hazard their exercise on any other principle? If it be said that some of the articles that would by this measure be liberated from duties, are luxuries, the remark is equally true of some of the articles remaining subject to duties. In the present advanced stage of civilization and comfort, it is not easy to draw the line between luxuries and necessaries. It will be difficult to make the people believe that bohea tea is a luxury, and the article of fine broadcloth is a necessary, of life.

In stating that the duties on the protected class ought to be retained, it has been far from my wish to preclude inquiry into their adequacy or propriety. If it can be shown that in any instance they are excessive or disproportionately burdensome on any section of the Union, for one, I am ready to vote for their reduction, or modification. The system contemplates an adequate protection; beyond that, it is not necessary to go. Short of that, its operation will be injurious to all parties.

The people of this country, or a large majority of them, expect that the system will be preserved. And its abandonment would produce general surprise, spread desolation over the land, and occasion as great a shock as a declaration of war forthwith against the most powerful nation of Europe.

But if the system be preserved, it ought to be honestly, fairly, and faithfully enforced. That there do exist the most scandalous violations of it, and the grossest frauds upon the public revenue in regard to some of the most important articles, can not be doubted. As to iron, objects really belonging to one denomination to which a higher duty is attached, are imported under another name, to which a lower duty is assigned, and thus the law is evaded. False invoices are made as to woolens, and the classifications into minimums is constantly eluded. The success of the American manufacture of cotton bagging has been such that, by furnishing a better and cheaper article, the bagging of Inverness and Dundee has been almost excluded from the consumption of the States bordering on the Mississippi and its tributaries. There has not yet been sufficient time to fabricate and transport the article in necessary quantities from the western States to the southern Atlantic States, which have therefore been almost exclusively supplied from the Scottish manufactories. The payment of the duty is evaded by the introduction of the foreign fabric, under the name of burlops, or some other mercantile phrase, and instead of paying

five cents the square yard, it is entered with a duty of only fifteen per centum *ad valorem*. That this practice prevails, is demonstrated by the treasury report of the duties accruing on cotton bagging for the years 1828, 1829–30. During the first year the amount was one hundred and thirty-seven thousand five hundred and six dollars; the second, one hundred and six thousand and sixty-eight dollars; and the third it sank down to fourteen thousand one hundred and forty-one dollars.

The time has arrived when the inquiry ought to be seriously made, whether it be not practicable to arrest this illegitimate course of trade, and secure the faithful execution of the laws. No time could be more suitable than that at which it is contemplated to make a great reduction of the public revenue. Two radical changes have presented themselves to my mind, and which I will now suggest for consideration and investigation. On such a subject I would, however, seek from the mercantile community and practical men all the light which they are so capable of affording, and should be reluctant to act on my own convictions, however strong.

The first is, to make a total change in the place of valuation. Now the valuation is made in foreign countries. We fix the duties, and we leave to foreigners to assess the value on articles paying *ad valorem* duties. That is, we prescribe the rule, and leave the execution of it to the foreigner. This is an anomaly, I believe, peculiar to this country. It is evident that the amount of duty payable on a given article, subject to an *ad valorem* duty, may be affected as much by the fixation of the value as by the specification of the duty. And, for all practical purposes, it would be just as safe to retain to ourselves the ascertainment of the value, and leave to the foreigner to prescribe the duty, as it is to reserve to ourselves the right to declare the duty and allow to him the privilege to assess the value.

The effect of this vicious condition of the law has been to throw almost the whole import trade of the country, as to some important articles, into the hands of the foreigner. I have been informed that seven eighths of the importations of woolens into the port of New York, where more is received than in all the other ports of the United States together, are in his hands. This has not proceeded from any want of enterprise, intelligence, or capital, on the part of the American merchant; for in these particulars he is surpassed by the merchant of no country. It has resulted from his probity, his character, and his respect to the laws and institutions of his country—a respect which does not influence the foreigner. I am aware it is made, by law, the duty of the appraiser to ascertain the value of the goods in certain cases. But what is his chief guide. It is the foreign invoice, made by whom he knows not; certainly by no person responsible to our laws. And if its fairness be contested, they will bring you cart-loads of certificates and affidavits, from unknown persons, to verify its exactness and the first cost of the article.

Now, sir, it seems to me that this is a state of things to which we should promptly apply an efficient remedy; and no other appears to me but that

of taking into our own hands both parts of the operation—the ascertainment of the value as well as the duty to be paid on the goods. If it be said that we might have in different ports different rules, the answer is, that there could be no diversity greater than that to which we are liable, from the fact of the valuation being now made in all the ports of foreign countries from which we make our importations. And that it is better to have the valuations made by persons responsible to our own government, and regulated by one head, than by unknown foreigners standing under no responsibility whatever to us. The other change to which I allude is, to reduce the credits allowed for the payment of duties, and to render them uniform. It would be better, if not injurious to commerce, to abolish them altogether. Now we have various periods of credit, graduated according to the distance of the foreign port and the nature of the trade. These credits operate as so much capital, on which the foreign merchant can sometimes make several adventures before the day of payment arrives. There is no reciprocal advantage afforded to the American merchant, I believe, in any foreign port. As we shall probably abolish, or greatly reduce the duties on all articles imported beyond the Cape of Good Hope, on which the longest credits are allowed, the moment would seem to be propitious for restricting the other credits in such manner, that while they afforded a reasonable facility to the merchant, they should not supply the foreigner, at the instance of the public, with capital for his mercantile operations. If the laws can be strictly enforced, and some such alterations as have been suggested can be carried into effect, it is quite probable that a satisfactory reduction may be made on some of the articles falling within the system of protection. And without impairing its principle, other modes of relief may probably be devised to some of those interests upon which it is suffered to press most heavily.

There remains one view to present to the Senate, in respect to the amount of reduction of the revenue which will be produced by the proposed measure if adopted, and its influence upon the payment of the public debt within the time suggested by the Secretary of the Treasury. The estimate which I have made of that amount, is founded upon treasury returns prior to the late reduction of duties on tea, coffee, and cocoa. Supposing the duties on wines and silks to be reduced as low as I think they may be, the total amount of revenue with which the proposed measure will dispense, will be about seven millions of dollars. The Secretary of the Treasury estimates the receipts of the present year, from all sources, at thirty millions one hundred thousand dollars; and he supposes those of the next year will be of an equal amount. He acknowledges that the past year has been one of extraordinary commercial activity, but on what principles does he anticipate that the present will also be? The history of our commerce demonstrates that it alternates, and that a year of intemperate speculation, is usually followed by one of more guarded importation. That the importations of the last year have been excessive, I believe

is generally confessed, and is demonstrated by two unerring facts. The first is, that the imports have exceeded the exports, by about seventeen millions of dollars. Whatever may be the qualifications to which the theory of the balance of trade may be liable, it may be safely affirmed that when the aggregate of the importations from all foreign countries exceeds the aggregate of the exportations to all foreign countries, considerably, the unfavorable balance must be made up by a remittance of the precious metals to some extent. Accordingly we find the existence of the other facts to which I allude, the high price of bills of exchange on England. It is, therefore, fairly to be anticipated, that the duties accruing this year will be less in amount than those of the past year. And I think it would be unwise to rely upon our present information, as to the income of either of these two years, as furnishing a safe guide for the future. The years 1829–30 will supply a surer criterion. There is a remarkable coincidence in the amount of the receipts into the treasury during those two years, it having been the first, from all sources, twenty-four million eight hundred and twenty-seven thousand six hundred and twenty-seven dollars and thirty-eight cents, and the second, twenty-four million eight hundred and forty-four thousand one hundred and sixteen dollars and fifty-one cents, differing only about seventeen thousand dollars.

The mode recommended by the secretary for the modification of the tariff is, to reduce no part of the duties on the unprotected articles prior to March, 1833, and then to retain a considerable portion of them. And as to the protected class, he would make a gradual but prospective reduction of the duties. The effect of this would be to destroy the protecting system, by a slow but certain poison. The object being to reduce the revenue, every descending degree in the scale of his plan of gradual reduction, by letting in more of the foreign article to displace the domestic rival fabric, would increase the revenue, and create the necessity for further and further reduction of duties, until they would be carried so low as to end in the entire subversion of the system of protection.

For the reasons which have been assigned, it would, I think, be unwise in Congress at this time to assume for the future, that there would be a greater amount of net annual revenue from all sources, including the public lands, than twenty-five millions of dollars. Deducting from that sum the amount of seven millions of dollars, which it has been supposed ought to be subtracted, if the resolution before you should be adopted, there would remain eighteen millions of dollars, as the probable revenue for future years. This includes the sum of three millions of dollars, estimated as the future annual receipt from the sale of the public lands—an estimate which I presume will be demonstrated by experience to be much too large.

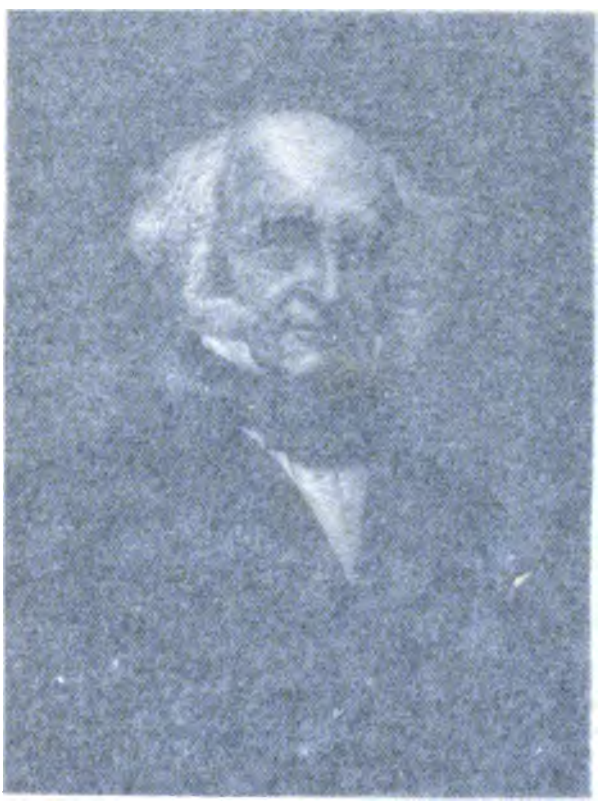
If a reduction so large as seven millions be made at this session, and if the necessary measures be also adopted to detect and punish frauds, and insure a faithful execution of the laws, we may safely make a temporary

pause, and await the development of the effect of these arrangements upon the revenue. That the authority of the laws should be vindicated, all ought to agree. Now the fraudulent importer, after an exposure of his fraud, by a most strange treasury construction of the law (made, I understand, however, not by the present secretary), eludes all punishment, and is only required to pay those very duties which he was originally bound for, but which he dishonestly sought to evade. Other measures, with a view to a further reduction of the revenue, may be adopted. In some instances there might be an augmentation of duties for that purpose. I will mention the article of foreign distilled spirits. In no other country upon earth is there so much of the foreign article imported as in this. The duties ought to be doubled, and the revenue thereby further reduced from a million of dollars to six hundred thousand. The public morals, the grain-growing country, the fruit-raising and the cane-planting country, would be all benefited by rendering their duty prohibitory. I have not proposed the measure, because it ought to originate, perhaps in the other House.

That the measure which I have proposed may be adopted, without interfering with the plan of the Secretary of the Treasury for the payment of the public debt by the 4th of March next, I will now proceed to show. The secretary estimates that the receipts of the present year, after meeting all other just engagements, will leave a surplus of fourteen millions of dollars, applicable to the payment of the principal of the debt. With this sum, eight millions of dollars, which he proposes to derive from the sale of the bank stock, and two millions of dollars, which he would anticipate from the revenue of the next year, he suggests that the whole of the debt remaining, may be discharged by the time indicated. The fourteen millions, I understand (although on this subject the report is not perfectly explicit), are receipts anticipated this year, from duties which accrued last year. If this be the secretary's meaning, it is evident that he wants no part of the duties which may accrue during the current year, to execute his plan. But if his meaning be, that the fourteen millions will be composed, in part of duties accruing and payable within the present year, then the measure proposed might prevent the payment of the whole of the remnant of the debt by the exact day which has been stated. If, however, the entire seven millions embraced by the resolution on your table were subtracted from the fourteen, it would still leave him seven millions, besides the bank stock to be applied to the debt, and that, of itself, would be three millions more than can be properly applied to the object in the course of this year, as I have already endeavored to show.

I came here, sir, most anxiously desiring that an arrangement of the public revenue should be made, which, without sacrificing any of the great interests of the country, would reconcile and satisfy all its parts. I thought I perceived, in the class of objects not produced within the country, a field on which we could all enter, in a true and genuine spirit of compromise

and harmony, and agree upon an amicable adjustment. Why should it not be done? Why should those who are opposed to the American system, demand of its friends an unconditional surrender? Our common object should be, so to reduce the public revenue as to relieve the burdens of the people, if the people of this country can be truly said to be burdened. The government must have a certain amount of revenue, and that amount must be collected from the imposts. Is it material to the consumer, wherever situated, whether the collection be made upon a few, or many objects, provided, whatever be the mode, the amount of his contribution to the public exchequer remains the same? If the assessment can be made on objects which will greatly benefit large portions of the Union, without injury to him, why should he object to the selection of those objects? Yes, sir, I came here in a spirit of warm attachment to all parts of our beloved country, with a lively solicitude to restore and preserve its harmony, and with a firm determination to pour oil and balm into existing wounds, rather than further to lacerate them. For the truth and sincerity of these declarations, I appeal to Him whom none can deceive. I expected to be met by corresponding dispositions, and hoped that our deliberations, guided by fraternal sentiments and feelings, would terminate in diffusing contentment and satisfaction throughout the land. And that such may be the spirit presiding over them, and such their issue, I yet most fervently hope.



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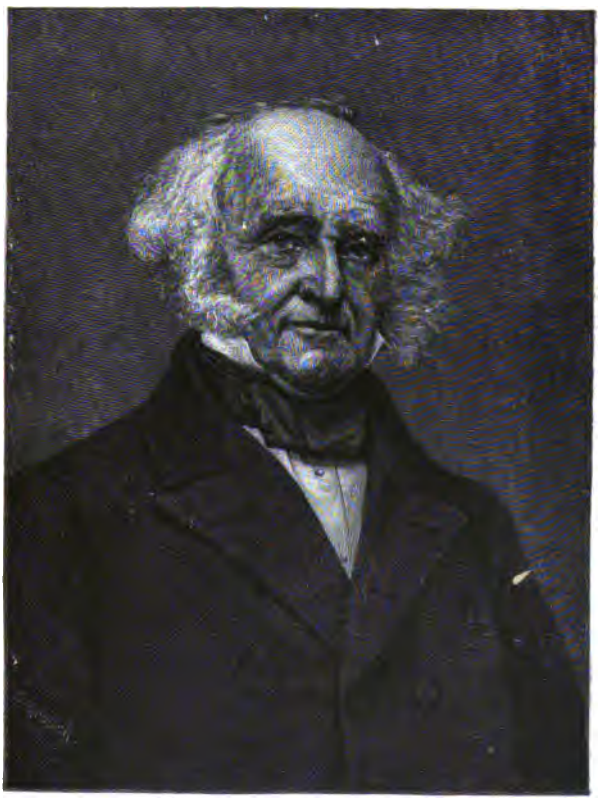


MARTIN VAN BUREN.

ON MR. VAN BUREN'S NOMINATION AS MINISTER TO ENGLAND.

IN THE SENATE, JANUARY 24, 1832.

[DOUBTLESS there was just cause, as shown in the following speech, of dissatisfaction in the Senate and in the country, to this nomination of Mr. Van Buren to the Court of St. James; but was it expedient for the Senate to reject it? The sequel showed, that this act of rejection made Mr. Van Buren vice-president first, and president next. General Jackson's power over the minds of the majority of the American people, was irresistible, and the opposition of the Senate in this case, probably augmented that power. That Mr. Clay, Mr. Calhoun, and others, opponents of this nomination, should not have foreseen a result of this kind, or adopted a policy based upon it, must be ascribed, one would think, to the single purpose of doing present justice to the nominee, rather than of regarding consequences. The Senate were equally divided in this vote, and the rejection of Mr. Van Buren required the casting vote of the vice-president, Mr. Calhoun, which was given. The injunction of secrecy having been removed, the speeches and votes of this executive session of the Senate were all made public, and afterward used, with great effect, by the Jackson party, to advance the interest of Mr. Van Buren, first as candidate, this very year, 1832, for the vice-presidency, and afterward, 1836, as candidate for the presidency, in both of which he was successful. With the majority of the American people, this opposition of the Senate was not ascribed to patriotic motives, but to a spirit of revenge. Mr. Calhoun, who gave the casting vote, certainly had reasons for revenge; for Mr. Van Buren had ruined all his chances for the succession, by disclosing to General Jackson the fact, that he (Mr. Calhoun), while a member of Mr. Monroe's cabinet, had moved a censure on General Jackson, for his conduct of the Seminole War, and it is quite probable that this state of personal feeling had an influence in producing Mr. Cal-

houn's casting vote against Mr. Van Buren. It would almost seem morally impossible that it should be otherwise.

As to the grounds of Mr. Clay's opposition, they are presented in the following speech, in a manly and statesman-like manner, and no one can fail to appreciate their strength. But still one can not but feel that he might as well have passed over the matter in silence, and allowed Mr. Van Buren to stay in London. But as Mr. Clay did not study expediency, personal to himself, in his speech on the Seminole war, so neither did he do it in this case. He was not the man to do it in any case. With him it was simply a question of truth and of patriotic duty, though he might, and in this instance we think he did, partly misjudge. Mr. Van Buren doubtless had talent enough for the mission to London, and it was not likely that he would there prove so unpatriotic as Mr. Clay has demonstrated in his speech that he did while acting as Secretary of State. It was simply a question, whether Mr. Van Buren's rejection would open a wider door for what Mr. Clay would regard as his pernicious influence at home. The decision of the Senate opened that door most effectually. Mr. Van Buren was rejected; he came home; and was immediately put in nomination and elected as vice-president. Next he succeeded to the presidency, and in 1840, having run down the commercial prosperity of the country to the lowest ebb by his policy, he was superseded by the election of General Harrison. The Senate of the United States, by rejecting him as minister to London, gave him full sweep at home, till the people arrested his career.]

Mr. President—I regret that I find myself utterly unable to reconcile with the duty I owe to my country a vote in favor of this nomination. I regret it, because in all the past strife of party the relations of ordinary civility and courtesy were never interrupted between the gentleman whose name is before us and myself. But I regard my obligations to the people of the United States, and to the honor and character of their government, as paramount to every private consideration. There was no necessity known to us for the departure of this gentleman from the United States, prior to the submission of his name to the Senate. Great Britain was represented here by a diplomatic agent, having no higher rank than that of a chargé des affaires. We were represented in England by one of equal rank; one who had shed luster upon his country by his high literary character, and of whom it may be justly said, that in no respect was he inferior to the gentleman before us. Although I shall not controvert the right of the president, in an extraordinary case, to send abroad a public minister

without the advice and consent of the Senate, I do not admit that it ever ought to be done without the existence of some special cause, to be communicated to the Senate. We have received no communication of the existence of any such special cause. This view of the matter might not have been sufficient alone to justify a rejection of this nomination; but it is sufficient to authorize us to examine the subject with as perfect freedom as we could have done if the minister had remained in the United States, and awaited the decision of the Senate. I consider myself, therefore, not committed by the separate and unadvised act of the president in despatching Mr. Van Buren in the vacation of the Senate, and not a very long time before it was to assemble.

My main objection to the confirmation of his appointment arises out of his instructions to the late minister of the United States at the court of Great Britain. The attention of the Senate has been already called to parts of those instructions, but there are other parts of them, in my opinion, highly reprehensible. Speaking of the colonial question, he says, "in reviewing the events which have preceded, and more or less contributed, to a result so much to be regretted, there will be found three grounds, on which we are most assailable. First, in our too long and too tenaciously resisting the right of Great Britain to impose protecting duties in her colonies." * * * "And, thirdly, in omitting to accept the terms offered by the act of Parliament of July, 1825, after the subject had been brought before Congress, and delibe rately acted upon by our government. * * * You will, therefore, see the propriety of possessing yourself of all the explanatory and mitigating circumstances connected with them, that you may be enabled to obviate, as far as practicable, the unfavorable impression which they have produced." And after reproaching the late administration with setting up claims and for the first time, which they explicitly abandoned, he says, in conclusion, "I will add nothing as to the impropriety of suffering any feelings, that find their origin in the past pretensions of this government, to have adverse influence upon the present conduct of Great Britain."

On our side, according to Mr. Van Buren, all was wrong; on the British side, all was right. We brought forward nothing but claims and pretensions. The British government asserted, on the other hand, a clear and incontestable right. We erred in too tenaciously and too long insisting upon our pretensions, and not yielding at once to the force of their just demands. And Mr. McLane was commanded to avail himself of all the circumstances in his power to mitigate our offense, and to dissuade the British government from allowing their feelings, justly incurred by the past conduct of the party driven from power, to have an adverse influence toward the American party now in power. Sir, was this becoming language from one independent nation to another? Was it proper, in the mouth of an American minister? Was it it in conformity with the high, unsullied, and dignified character of our previous diplomacy? Was it not, on the contrary

the language of an humble vassal to a proud and haughty lord? Was it not prostrating and degrading the American eagle before the British lion?

Let us examine a little those pretensions which the American government so unjustly put forward, and so pertinaciously maintain. The American government contended, that the produce of the United States ought to be admitted into the British West Indies, on the same terms as similar produce of the British American continental possessions; that without this equality our produce could not maintain in the British West Indies a fair competition with the produce of Canada, and that British preference given to the Canadian produce in the West Indies would draw from the western part of New York, and the northern part of Ohio, American produce into Canada, aggrandizing Montreal and Quebec, and giving employment to British shipping, to the prejudice of the canals of New York, the port of New York, and American shipping.

This was the offense of the American government, and we are at this moment realizing the evils which it foresaw. Our produce is passing into Canada, enriching her capitals, and nourishing British navigation. Our own wheat is transported from the western part of New York into Canada, there manufactured, and then transported in British ships in the form of Canadian flour. We are thus deprived of the privilege even of manufacturing our own grain. And when the produce of the United States, shipped from the Atlantic ports, arrives at the British West Indies, it is unable, in consequence of the heavy duties with which most of it is burdened, to sustain a competition with British or colonial produce, freely admitted.

The general rule may be admitted, that every nation has a right to favor its own productions, by protecting duties, or other regulations; but, like all general rules, it must have its exceptions. And the relation in which Great Britain stands to her continental and West India colonies, from which she is separated by a vast sea, and the relations in which the United States stand to those colonies, some of which are in juxtaposition with them, constitute a fit case for such an exception.

It is true, that the late administration did authorize Mr. Gallatin to treat with Great Britain on the basis of the rule which has been stated, but it was with the express understanding, that some competent provision should be made in the treaty to guard against the British monopoly of the transportation of our own produce passing through Canada. Mr. Gallatin was informed, "that the United States consent to the demand which they have heretofore made of the admission of their productions into British colonies, at the same and no higher rate of duty as similar productions are chargeable with when imported from one into another British colony, with the exception of our produce descending the St. Lawrence and the Sorell."

There was no abandonment of our right, no condemnation of the previous conduct of our government, no humiliating admission, that we had put forth and too tenaciously clung to unsustainable pretensions, and that Great Britain had all along been in the right. We only forbore for the

present to assert a right, leaving ourselves at liberty subsequently to resume it. What Mr. Gallatin was authorized to do was, to make a temporary concession, and it was proposed with this preliminary annunciation: "But, notwithstanding, on a full consideration of the whole subject, the president, anxious to give a strong proof to Great Britain of the desire of the government of the United States to arrange this long-contested matter of the colonial intercourse in a manner mutually satisfactory, authorizes you," etc. And Mr. Gallatin was required "to endeavor to made a lively impression on the British government of the conciliatory spirit of that of the United States, which has dictated the present liberal offer, and of their expectation to meet, in the progress of the negotiations, with a corresponding friendly disposition."

Now, sir, keeping sight of the object which the late Secretary of State had in view, the opening of the trade with the British colonies, which was the best mode to accomplish it—to send our minister to prostrate himself as a suppliant before the British throne, and to say to the British king, we have offended your majesty! the late American administration brought forward pretensions which we can not sustain, and they too long and too tenaciously adhered to them! your majesty was always in the right; but we hope that your majesty will be graciously pleased to recollect, that it was not we who are now in possession of the American power, but those who have been expelled from it, that wronged your majesty, and that we, when out of power, were on the side of your majesty; and we do humbly pray, that your majesty, taking all mitigating circumstances into consideration, will graciously condescend to extend to us the privileges of the British act of Parliament of 1825, and to grant us the boon of a trade with your majesty's West India colonies—or to have presented himself before the British monarch in the manly and dignified attitude of a minister of this republic, and, abstaining from all condemnation or animadversion upon the past conduct of his own government, to have placed the withdrawal of our former demand upon the ground of concession in a spirt of amity and compromise?

But the late Secretary of State, the appointed organ of the American people to vindicate their rights with all foreign powers, and to expose the injustice of any unfounded demands which they might assert, was not content to exert his own ingenuity to put his own country in the wrong, and the British government in the right. He endeavored to attach to the late administration the discredit of bringing forward unfounded pretensions, and by disclaiming them, to propitiate the favor of the British king. He says that the views of the present administration upon the subject of the colonial trade "have been submitted to the people of the United States, and the counsels by which your conduct is now directed are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts. It should be sufficient, that the claims set up by them, and what caused the interruption of the trade in question,

have been explicitly abandoned by those who first asserted them, and are not revived by their successors." The late Secretary of State—the gentleman under consideration—here makes the statement, that the late administration were the first to set up the claims to which he refers. Now, under all the high responsibility which belongs to the seat which I occupy, I deliberately pronounce that this statement is untrue, and that the late Secretary either must have known it to be untrue, or he was culpably negligent of his duty in not ascertaining what had been done under prior administrations. I repeat the charge, the statement must have been known to be untrue, or there was culpable negligence. If it were material, I believe it could be shown that the claim in question—the right to the admission into the British West Indies of the produce of the United States upon an equal footing with similar produce of the British continental colonies—is coeval with the existence of our present Constitution, and that whenever the occasion arose for asserting the claim, it was asserted. But I shall go no further back than to Mr. Madison's administration. Mr. Monroe, the then Secretary of State, instructed our then minister at London upon this subject. He negotiated with Lord Castlereagh in respect to it, and this very claim prevented an adjustment at that time of the colonial question. It was again brought forward under Mr. Monroe's administration, when Mr. Rush was our minister at London. He opened a long and protracted negotiation upon this and other topics, which was suspended in the summer of 1824, principally because the parties could not agree on any satisfactory arrangement of this very colonial question.

Thus, at least, two administrations prior to that of Mr. Adams' had brought forward this identical claim or pretension, which his was the first to assert, according to the late Secretary of State.

The next charge which the late Secretary of State—the official defender of the rights of the American people—preferred against his own government, was that of "omitting to accept the terms offered by the act of Parliament, of July, 1825, after the subject had been brought before Congress, and deliberately acted upon by our government." Never was there a more unfounded charge brought forward by any native against his own government, and never was there a more unwarrantable apology set up for a foreign government; and a plain, historical narrative, will demonstrate the truth of both these propositions.

It has been already stated that the negotiation of Mr. Rush, embracing the precise colonial claim under consideration, was suspended in 1824, with an understanding between the two governments, that it was to be resumed on all points at some future convenient period. Early in July, 1825, neither government having then proposed a resumption of the negotiation, the British Parliament passed an act to regulate the colonial trade with foreign powers. This act was never, during the late administration, either at London or Washington, officially communicated by the British to the American government, and we only obtained it through other channels. Now

if it had been the purpose of the British government, by the passage of that act, to withdraw the colonial question from the negotiation, it ought to have communicated that purpose to this government, and at the same time the act of Parliament as supplanting and substituting the negotiation. But it never did communicate such purpose. The act itself did not specifically embrace the United States, and offered terms, which, upon the face of the act, it was impossible for the United States to accede to. It required, for example, that, to entitle powers not possessing colonies, to the benefit of the act, they must place the navigation and commerce of Great Britain upon the footing of the most favored nations. To have done this, would have admitted British shipping to import into the United States, on the same conditions with native shipping, the productions of any quarter of the globe, without a reciprocal liberty, on the part of the shipping of the United States, in British ports. The act itself was differently construed in different colonial ports of Great Britain, and an order of the local government of Halifax closing that port against our vessels from the 5th of January, was subsequently revoked, thereby confirming the impression that the act of Parliament was not intended to dispense with the previous negotiation. And to conclude this part of the narrative, as late as the 20th of October, 1826, Mr. Vaughan, the British minister, upon being interrogated by the then Secretary of State, was totally uninstructed to afford any information as to the meaning or intent of the act of July, 1825.

Meantime, in March, more than six months after the passage of the act of Parliament, Mr. Vaughan notified the Department of State that he had "received instructions from his majesty's government, to acquaint you that it is preparing to proceed to the important negotiations between that country and the United States, now placed in the hands of the American minister, in London." * * * "The negotiations will therefore be forthwith resumed." * * * Here the negotiations were spoken of without exception of the colonial question, the most important of them. If it had been intended to withdraw that, no time could have been more suitable to announce that intention, but no such annunciation was made. Mr. Vaughan was informed that we also would prepare for the negotiation (including, of course, the colonial question), and Mr. Gallatin was accordingly shortly after sent out, with full powers and instructions, amicably to settle that question. On his arrival in England, in the summer of 1826, he was told by the British government that they would not negotiate on the colonial question; that they had made up their mind, from the passage of the act of July, 1825, not to negotiate about it; and he was informed by the sarcastic Mr. Canning, that as we had failed to accept the boon which the British government had then offered, we were then too late!

Such is the state of the case on which the late Secretary of State so authoritatively pronounces judgment against his own government, for "omitting to accept the terms offered by the act of Parliament of July, 1825!" He adds, indeed, "after the subject had been brought before

Congress, and deliberately acted upon by our government." It was brought before Congress in the session of 1825–6, not at the instance of the American executive, but upon the spontaneous and ill-judged motion of the gentleman from Maryland (Mr. Smith), and Mr. Gallatin was informed that if the bill proposed by that gentleman had been passed, it would have been unsatisfactory to the British government.

I have another objection to this nomination. I believe, upon circumstances which satisfy my mind, that to this gentleman is principally to be ascribed the introduction of the odious system of proscription, for the exercise of the elective franchise, in the government of the United States. I understand that it is the system on which the party in his own State, of which he is the reputed head, constantly acts. He was among the first of the secretaries to apply that system to the dismission of clerks in his department, known to me to be highly meritorious, and among them one who is now a representative in the other House. It is a detestable system, drawn from the worst periods of the Roman republic, and if it were to be perpetuated—if the offices, honors, and dignities of the people were to be put up to a scramble, and to be decided by the results of every presidential election—our government and institutions, becoming intolerable, would finally end in a despotism as inexorable as that at Constantinople.

Sir, the necessity under which we are placed is painful. But it is no fault of the Senate, whose consent and advice are required by the Constitution, to consummate this appointment, that the minister has been sent out of the United States without their concurrence. I hope that the public will not be prejudiced by his rejection, if he should be rejected. And I feel perfectly assured, that if the government to which he has been deputed, shall learn that he has been rejected, because he has there, by his instructions to Mr. McLane, stained the character of our country, the moral effect of our decision will greatly outweigh any advantages to be derived from his negotiations, whatever they may have been intended to be.

ON THE AMERICAN SYSTEM.

IN SENATE, FEBRUARY 2, 3, & 6, 1832.

[THE resolution of Mr. Clay, of January 11, for the reduction of duties on imports, being still under debate in the Senate after having listened to all that had been said on the subject in the mean time, Mr. Clay commenced, on the 2d of February 1832, what may be called his great speech in defense of the American System, which he continued for three successive days. Considering the state of the science of Public Economy, as then existed, this is the most powerful argument that had ever been made. But it is not too much to say that the science of Public Economy has made a great stage of advance since the date of this speech, and that, if Mr. Clay had then been in possession of the propositions which constitute this improvement, he would have been able to make his argument, clear and forcible as it is, far more clear and conclusive. He would then have applied the theory of the science in its present state, to the facts which he so abundantly adduced, to establish it. The new propositions are as follows: *That so long as protective duties are not prohibitory, they are not a tax on consumers, but they diminish prices; and when the duties are prohibitory only because of domestic competition, they are still not taxes on consumers, but reduce prices.* The first of these propositions is the main one and perhaps the most important, though both are important, and based on the same principle.

The advantage of science is, that it presents propositions in form, which settle controversy, where controversy may have existed. Sir Isaac Newton's propositions touching the laws of gravitation, have never been controverted, and never can be, because they are strictly scientific. Having ascertained the laws which uniformly produce certain results, he reduced those laws to form, which constitutes the science. Mr. Clay dealt only with facts, and his facts abundantly proved the propositions of the science above stated; but neither he nor any body else had at

that time reduced these propositions to form, or set up the theory which they announce. Mr. Clay was even accustomed to admit, that duties were in all cases a tax on consumers, though he proved the contrary, as the following speech will show. He proved that the American System had so reduced the prices of articles subject to duty, and enhanced the demand for the agricultural products of this country, as to have relieved the people from an immense burden, and put them forward in an unexampled career of prosperity; but he never thought that this result was owing entirely to the truth of the propositions above stated, as parts of a science. Triumphant as he was in his argument, by the statement of his facts, yet, if he had been prepared to lay down these propositions first, he would have walked from the field on ground as firm as that which Sir Isaac Newton trod upon when he propounded his theory of gravitation.

Assuming that Mr. Clay has proved the truth of these propositions in his speech—as he undoubtedly has—let us see how trade operates to produce this result. The moment when a protective duty encourages the American producer to come into the field of competition against the foreign producer, the two parties are rivals in the same market, and both will sell to consumers as low as they can, and make a fair profit. As Mr. Clay has shown, the prices are reduced. The reason of this lies in the fact that, while the foreign producer had the monopoly of the American market, he could have his own price, with a profit often immensely great. He can, therefore, afford to reduce his prices, and still make a fair profit; and just so long as he continues to bring his product to the American market, in competition with the American producer, it is morally certain that prices have been reduced. It will be seen, therefore, that the protective duty is not only not a tax on the consumer, but a positive benefit to him, to the amount of the reduction of prices. The theory, therefore, so long maintained, that protective duties are taxes on consumers, is exploded by these propositions, and by the facts which establish them. And yet this theory, so utterly false, was permitted to rule in the formation of the tariff of 1846!

The first proposition of the science of Public Economy on this point, as it now stands, and as stated above, is, that protective duties, when not prohibitory, are not taxes on consumers, but reduce prices. Facts prove it, and the explanation of the result is found in the considerations which always govern trade.

The foreign producer will continue to send his wares to the American market so long as he can make a profit; and not only the protective duty, but the reduction of price beyond that, both come out of the former profits of the foreign producer. The American consumer is not taxed, but gets the same article at a lower price. This is an inevitable result of the laws of trade.

Further: when the foreign producer can no longer afford to bring his wares to the American market, by reason of this competition, and of this reduction of prices, and the protective duty becomes prohibitory in its operation, it is still in favor of the American consumer. He is not taxed, but benefited, so long as the prohibition arises from home competition against the foreign producer. If the duty be imposed expressly for prohibition, it may be a tax on consumers, and probably will be so, until a domestic competition shall have reduced prices to the amount of the duty. Then evidently the duty is no longer a tax.

It is enough, however, that protective duties, which are not prohibitory, are not taxes.]

In one sentiment, Mr. President, expressed by the honorable gentleman from South Carolina (General Hayne), though perhaps not in the sense intended by him, I entirely concur. I agree with him, that the decision on the system of policy embraced in this debate, involves the future destiny of this growing country. One way, I verily believe, it would lead to deep and general distress, general bankruptcy, and national ruin, without benefit to any part of the Union; the other, the existing prosperity will be preserved and augmented, and the nation will continue rapidly to advance in wealth, power, and greatness, without prejudice to any section of the confederacy.

Thus viewing the question, I stand here as the humble but zealous advocate, not of the interests of one State, or seven States only, but of the whole Union. And never before have I felt, more intensely, the overpowering weight of that share of responsibility which belongs to me in these deliberations. Never before have I had more occasion than I now have, to lament my want of those intellectual powers, the possession of which might enable me to unfold to this Senate and to illustrate to this people great truths, intimately connected with the lasting welfare of my country. I should, indeed, sink, overwhelmed and subdued, beneath the appalling magnitude of the task which lies before me, if I did not feel myself sustained and fortified by a thorough consciousness of the justness of the cause which I have espoused, and by a persuasion, I hope not presumptuous, that it has the approbation of that Providence who has so often smiled upon these United States.

Eight years ago, it was my painful duty to present to the other House of Congress an unexaggerated picture of the general distress pervading the whole land. We must all yet remember some of its frightful features. We all know that the people were then oppressed, and borne down by an enormous load of debt; that the value of property was at the lowest point of depression; that ruinous sales and sacrifices were everywhere made of real estate; that stop laws, and relief laws, and paper money were adopted, to save the people from impending destruction; that a deficit in the public revenue existed, which compelled government to seize upon, and divert from its legitmate object, the appropriations to the sinking fund, to redeem the national debt; and that our commerce and navigation were threatened with a complete paralysis. *In short, sir, if I were to select any term of seven years since the adoption of the present Constitution which exhibited a scene of the most wide-spread dismay and desolation, it would be exactly that term of seven years which immediately preceded the establishment of the tariff of* 1824.

I have now to perform the more pleasing task of exhibiting an imperfect sketch of the existing state of the unparalleled prosperity of the country. On a general survey, we behold cultivation extended, the arts flourishing, the face of the country improved, our people fully and profitably employed, and the public countenance exhibiting tranquillity, contentment, and happiness. And if we descend into particulars, we have the agreeable contemplation of a people out of debt; land rising slowly in value, but in a secure and salutary degree; a ready though not extravagant market for all the surplus productions of our industry; innumerable flocks and herds browsing and gamboling on ten thousand hills and plains, covered with rich and verdant grasses; our cities expanded, and whole villages springing up, as it were, by enchantment; our exports and imports increased and increasing; our tonnage, foreign and coastwise, swelling and fully occupied; the rivers of our interior animated by the perpetual thunder and lightning of countless steamboats; the currency sound and abundant; the public debt of two wars nearly redeemed; and, to crown all, the public treasury overflowing, embarrassing Congress, not to find subjects of taxation, but to select the objects which shall be liberated from the impost. *If the term of seven years were to be selected, of the greatest prosperity which this people have enjoyed since the establishment of their present Constitution, it would be exactly that period of seven years which immediately followed the passage of the tariff of* 1824.

This transformation of the condition of the country from gloom and distress to brightness and prosperity, has been mainly the work of American legislation, fostering American industry, instead of allowing it to be controlled by foreign legislation, cherishing foreign industry. The foes of the American system, in 1824, with great boldness and confidence, predicted, first, the ruin of the public revenue, and the creation of a necessity to resort to direct taxation; the gentleman from South Carolina (General

Hayne), I believe, thought that the tariff of 1824 would operate a reduction of revenue to the large amount of eight millions of dollars; secondly, the destruction of our navigation; thirdly, the desolation of commercial cities; and, fourthly, the augmentation of the price of objects of consumption, and further decline in that of the articles of our exports. Every prediction which they made has failed, utterly failed. Instead of the ruin of the public revenue, with which they then sought to deter us from the adoption of the American system, we are now threatened with its subversion, by the vast amount of the public revenue produced by that system. Every branch of our navigation has increased. As to the desolation of our cities, let us take, as an example, the condition of the largest and most commercial of all of them, the great northern capital. I have, in my hands, the assessed value of real estate in the city of New York, from 1817 to 1831. This value is canvassed, contested, scrutinized, and adjudged, by the proper sworn authorities. It is, therefore, entitled to full credence. During the first term, commencing with 1817, and ending in the year of the passage of the tariff of 1824, the amount of the value of real estate was, the first year, fifty-seven million seven hundred and ninety-nine thousand four hundred and thirty-five dollars, and, after various fluctuations in the intermediate period, it settled down at fifty-two million nineteen thousand seven hundred and thirty dollars, exhibiting a decrease, in seven years, of five million seven hundred and seventy-nine thousand seven hundred and five dollars. During the first year, of 1825, after the passage of the tariff, it rose, and, gradually ascending throughout the whole of the latter period of seven years, it finally, in 1831, reached the astonishing height of ninety-five million seven hundred and sixteen thousand four hundred and eighty-five dollars! Now, if it be said, that this rapid growth of the city of New York was the effect of foreign commerce, then it was not correctly predicted, in 1824, that the tariff would destroy foreign commerce, and desolate our commercial cities. If, on the contrary, it be the effect of internal trade, then internal trade can not be justly chargeable with the evil consequences imputed to it. The truth is, it is the joint effect of both principles, the domestic industry nourishing the foreign trade, and the foreign commerce in turn nourishing the domestic industry. Nowhere more than in New Yoak is the combination of both principles so completely developed. In the progress of my argument, I will consider the effect upon the price of commodities produced by the American system, and show that the very reverse of the prediction of its foes, in 1824, actually happened.

While we thus behold the entire failure of all that was foretold against the system, it is a subject of just felicitation to its friends, that all their anticipations of its benefits have been fulfilled, or are in progress of fulfillment. The honorable gentleman from South Carolina has made an allusion to a speech made by me, in 1824, in the other House, in support of the tariff, and to which, otherwise, I should not have particularly referred.

But I would ask any one, who can now command the courage to peruse that long production, what principle there laid down is not true? what prediction then made has been falsified by practical experience?

It is now proposed to abolish the system, to which we owe so much of the public prosperity, and it is urged that the arrival of the period of the redemption of the public debt has been confidently looked to as presenting a suitable occasion to rid the country of the evils with which the system is alleged to be fraught. Not an inattentive observer of passing events, I have been aware that, among those who were most early pressing the payment of the public debt, and, upon that ground, were opposing appropriations to other great interests, there were some who cared less about the debt than the accomplishment of other objects. But the people of the United States have not coupled the payment of their public debt with the destruction of the protection of their industry against foreign laws and foreign industry. They have been accustomed to regard the extinction of the public debt as relief from a burden, and not as the infliction of a curse. If it is to be attended or followed by the subvervion of the American system, and an exposure of our establishments and our productions to the unguarded consequences of the selfish policy of foreign powers, the payment of the public debt will be the bitterest of curses. Its fruit will be like the fruit

> "Of that forbidden tree whose mortal taste
> Brought death into the world, and all our woe,
> With loss of Eden."

If the system of protection be founded on principles erroneous in theory, pernicious in practice, above all, if it be unconstitutional, as is alleged, it ought to be forthwith abolished, and not a vestige of it suffered to remain. But before we sanction this sweeping denunciation, let us look a little at this system, its magnitude, its ramifications, its duration, and the high authorities which have sustained it. We shall see that its foes will have accomplished comparatively nothing, after having achieved their present aim of breaking down our iron-founderies, our woolen, cotton, and hemp manufactories, and our sugar plantations. The destruction of these would, undoubtedly, lead to the sacrifice of immense capital, the ruin of many thousands of our fellow-citizens, and incalculable loss to the whole community. But their prostration would not disfigure nor produce greater effect upon the whole system of protection, in all its branches, than the destruction of the beautiful domes upon the capitol would occasion to the magnificent edifice which they surmount. Why, sir, there is scarcely an interest, scarcely a vocation in society, which is not embraced by the beneficence of this system.

It comprehends our coasting tonnage and trade, from which all foreign tonnage is absolutely excluded.

It includes all our foreign tonnage, with the inconsiderable exception made by treaties of reciprocity with a few foreign powers.

It embraces our fisheries, and all our hardy and enterprising fishermen.

It extends to almost every mechanic art—to tanners, cordwainers, tailors, cabinet-makers, hatters, tinners, brass-workers, clock-makers, coach-makers, tallow-chandlers, trace-makers, rope-makers, cork-cutters, tobacconists, whip-makers, paper-makers, umbrella-makers, glass-blowers, stocking-weavers, button-makers, saddle and harness-makers, cutlers, brush-makers, bookbinders, dairymen, milk-farmers, blacksmiths, type-founders, musical-instrument-makers, basket-makers, milliners, potters, chocolate-makers, floor-cloth-makers, bonnet-makers, hair-cloth-makers, copper-smiths, pencil-makers, bellows-makers, pocket-book-makers, card-makers, glue-makers, mustard-makers, lumber-sawyers, saw-makers, scale-beam-makers, scythe-makers, wood-saw-makers, and many others. The mechanics enumerated, enjoy a measure of protection adapted to their several conditions, varying from twenty to fifty per cent. The extent and importance of some of these artisans may be estimated by a few particulars. The tanners, curriers, boot and shoemakers, and other workers in hides, skins, and leather, produce an ultimate value per annum of forty millions of dollars; the manufacturers of hats and caps produce an annual value of fifteen millions; the cabinet-makers, twelve millions; the manufacturers of bonnets and hats for the female sex, lace, artificial flowers, combs, and so forth, seven millions; and the manufacturers of glass, five millions.

It extends to all lower Louisiana, the delta of which might as well be submerged again in the Gulf of Mexico, from which it has been a gradual conquest, as now to be deprived of the protecting duty upon its great staple.

It affects the cotton planter himself, and the tobacco planter, both of whom enjoy protection.

The total amount of the capital vested in sheep, the land to sustain them, wool, woolen manufactures, and woolen fabrics, and the subsistence of the various persons directly or indirectly employed in the growth and manufacture of the article of wool, is estimated at one hundred and sixty-seven millions of dollars, and the number of persons at one hundred and fifty thousand.

The value of iron, considered as a raw material, and of its manufactures, is estimated at twenty-six millions of dollars per annum. Cotton goods, exclusive of the capital vested in the manufacture, and of the cost of the raw material, are believed to amount, annually, to about twenty millions of dollars.

These estimates have been carefully made, by practical men of undoubted character, who have brought together and embodied their information. Anxious to avoid the charge of exaggeration, they have sometimes placed their estimates below what was believed to be the actual amount of these interests. With regard to the quantity of bar and other iron annually produced, it is derived from the known works themselves; and I know some in western States which they have omitted in their calculations.

Such are some of the items of this vast system of protection, which it is now proposed to abandon. We might well pause and contemplate, if human imagination could conceive the extent of mischief and ruin from its total overthrow, before we proceed to the work of destruction. Its duration is worthy also of serious consideration. Not to go behind the Constitution, its date its coeval with that instrument. It began on the ever-memorable 4th day of July—the 4th day of July, 1789. The second act which stands recorded in the statute-book, bearing the illustrious signature of George Washington, laid the corner-stone of the whole system. That there might be no mistake about the matter, it was then solemnly proclaimed to the American people and to the world that it was necessary for "the encouragement and protection of manufactures," that duties should be laid. It is in vain to urge the small amount of the measure of the protection then extended. The great principle was then established by the fathers of the Constitution, with the father of his country at their head. And it can not now be questioned, that, if the government had not then been new and the subject untried, a greater measure of protection would have been applied, if it had been supposed necessary. Shortly after, the master minds of Jefferson and Hamilton were brought to act on this interesting subject. Taking views of it appertaining to the departments of foreign affairs and of the treasury, which they respectively filled, they presented, severally, reports which yet remain monuments of their profound wisdom, and came to the same conclusion of protection to American industry. Mr. Jefferson argued that foreign restrictions, foreign prohibitions, and foreign high duties, ought to be met at home by American restrictions, American prohibitions, and American high duties. Mr. Hamilton, surveying the entire ground, and looking at the inherent nature of the subject, treated it with an ability which, if ever equaled, has not been surpassed, and earnestly recommended protection.

The wars of the French Revolution commenced about this period, and streams of gold poured into the United States through a thousand channels, opened or enlarged by the successful commerce which our neutrality enabled us to prosecute. We forgot or overlooked, in the general prosperity, the necessity of encouraging our domestic manufactures. Then came the edicts of Napoleon, and the British orders in council; and our embargo, non-intercourse, non-importation, and war, followed in rapid succession. These national measures, amounting to a total suspension, for the period of their duration, of our foreign commerce, afforded the most efficacious encouragement to American manufactures; and accordingly they everywhere sprung up. While these measures of restriction and this state of war continued, the manufacturers were stimulated in their enterprise by every assurance of support, by public sentiment, and by legislative resolves. It was about that period (1808) that South Carolina bore her high testimony to the wisdom of the policy, in an act of her Legislature, the preamble of which, now before me, reads:

"Whereas, the establishment and encouragement of domestic manufactures is conducive to the interests of a State, by adding new incentives to industry, and as being the means of disposing to advantage the surplus productions of the agriculturist; and whereas, in the present unexampled state of the world, their establishment in our country is not only expedient, but politic, in rendering us independent of foreign nations."

The Legislature, not being competent to afford the most efficacious aid, by imposing duties on foreign rival articles, proceeded to incorporate a company.

Peace, under the treaty of Ghent, returned in 1815, but there did not return with it the golden days which preceded the edicts leveled at our commerce by Great Britain and France. It found all Europe tranquilly resuming the arts and the business of civil life. It found Europe no longer the consumer of our surplus, and the employer of our navigation, but excluding, or heavily burdening, almost all the productions of our agriculture, and our rivals in manufactures, in navigation, and in commerce. It found our country, in short, in a situation totally different from all the past—new and untried. It became necessary to adapt our laws, and especially our laws of impost, to the new circumstances in which we found ourselves. Accordingly, the eminent and lamented citizen, then at the head of the treasury (Mr. Dallas), was required, by a resolution of the House of Representatives, under date of the 23d of February, 1815, to prepare and report to the succeeding session of Congress, a system of revenue conformable with the actual condition of the country. He had the circle of a whole year to perform the work, consulted merchants, manufacturers, and other practical men, and opened an extensive correspondence. The report which he made at the session of 1816, was the result of his inquiries and reflections, and embodies the principles which he thought applicable to the subject. It has been said, that the tariff of 1816 was a measure of mere revenue, and that it only reduced the war duties to a peace standard. It is true, that the question then was, how much and in what way should the double duties of the war be reduced? Now, also, the question is, on what articles shall the duties be reduced so as to subject the amounts of the future revenue to the wants of the government? Then it was deemed an inquiry of the first importance, as it should be now, how the reduction should be made, so as to secure proper encouragement to our domestic industry. That this was a leading object in the arrangement of the tariff of 1816, I well remember, and it is demonstrated by the language of Mr. Dallas. He says, in his report:

"There are few, if any governments, which do not regard the establishment of domestic manufactures as a chief object of public policy. The United States have always so regarded it. * * * The demands of the country, while the acquisitions of supplies from foreign nations was either prohibited or impracticable, may have afforded a sufficient inducement for this investment of

capital, and this application of labor; but the inducement, in its necessary extent, must fail when the day of competition returns. Upon that change in the condition of the country, the preservation of the manufactures, which private citizens under favorable auspices have constituted the property of the nation, becomes a consideration of general policy, to be resolved by a recollection of past embarrassments; by the certainty of an increased difficulty of reinstating, upon any emergency, the manufactures which shall be allowed to perish and pass away," and so forth.

The measure of protection which he proposed was not adopted, in regard to some leading articles, and there was great difficulty in ascertaining what it ought to have been. But the principle was then distinctly asserted and fully sanctioned.

The subject of the American system was again brought up in 1820, by the bill reported by the chairman of the committee of manufactures, now a member of the bench of the Supreme Court of the United States, and the principle was successfully maintained by the representatives of the people; but the bill which they passed was defeated in the Senate. It was revived in 1824, the whole ground carefully and deliberately explored, and the bill then introduced, receiving all the sanctions of the Constitution, became the law of the land. An amendment of the system was proposed in 1828, to the history of which I refer with no agreeable recollections. The bill of that year, in some of its provisions, was framed on principles directly adverse to the declared wishes of the friends of the policy of protection. I have heard without vouching for the fact, that it was so framed, upon the advice of a prominent citizen now abroad, with the view of ultimately defeating the bill, and with assurances that, being altogether unacceptable to the friends of the American system, the bill would be lost. Be that as it may, the most exceptionable features of the bill were stamped upon it, against the earnest remonstrances of the friends of the system, by the votes of southern members, upon a principle, I think, as unsound in legislation as it is reprehensible in ethics. The bill was passed, notwithstanding, it having been deemed better to take the bad along with the good which it contained, than reject it altogether. Subsequent legislation has corrected the error then perpetrated, but still that measure is vehemently denounced by gentlemen who contributed to make it what it was.

Thus, sir, has this great system of protection been gradually built, stone upon stone, and step by step, from the 4th of July, 1789, down to the present period. In every stage of its progress it has received the deliberate sanction of Congress. A vast majority of the people of the United States has approved and continue to approve it. Every chief magistrate of the United States, from Washington to the present, in some form or other, has given to it the authority of his name; and, however the opinions of the existing president are interpreted south of Mason and Dixon's line, on the north they are at least understood to favor the establishment of a judicious tariff.

The question, therefore, which we are now called upon to determine, is not, whether we shall establish a new and doubtful system of policy, just proposed, and for the first time presented to our consideration, but whether we shall break down and destroy a long established system, patiently and carefully built up and sanctioned, during a series of years, again and again, by the nation and its highest and most revered authorities. And are we not bound deliberately to consider whether we can proceed to this work of destruction without a violation of the public faith? The people of the United States have justly supposed that the policy of protecting their industry against foreign legislation and foreign industry was fully settled, not by a single act, but by repeated and deliberate acts of government, performed at distant and frequent intervals. In full confidence that the policy was firmly and unchangeably fixed, thousands upon thousands have invested their capital, purchased a vast amount of real and other estate, made permanent establishments, and accommodated their industry. Can we expose to utter and irretrievable ruin this countless multitude, without justly incurring the reproach of violating the national faith?

I shall not discuss the constitutional question. Without meaning any disrespect to those who raise it, if it be debatable, it has been sufficiently debated. The gentleman from South Carolina suffered it to fall unnoticed from his budget; and it was not until after he had closed his speech and resumed his seat, that it occurred to him that he had forgotten it, when he again addressed the Senate, and, by a sort of protestation against any conclusion from his silence, put forward the objection. The recent free-trade convention at Philadelphia, it is well known, were divided on the question; and although the topic is noticed in their address to the public, they do not avow their own belief that the American system is unconstitutional, but represent that such is the opinion of respectable portions of the American people. Another address to the people of the United States, from a high source, during the past year, treating this subject, does not assert the opinion of the distinguished author, but states that of others to be, that it is unconstitutional. From which I infer that he did not himself believe it to be unconstitutional.

[Here the Vice-president* interposed, and remarked, that, if the senator from Kentucky alluded to him, he must say that his opinion was, that the measure was unconstitutional.]

When, sir, I contended with you, side by side, and with perhaps less zeal than you exhibited, in 1816, I did not understand you then to consider the policy forbidden by the constitution.

[The Vice-president again interposed, and said that the Constitutional question was not debated at that time, and that he had never expressed an opinion contrary to that now intimated.]

* Mr. Calhoun.

I give way with pleasure to these explanations, which I hope will always be made when I say any thing bearing on the individual opinions of the chair. I know the delicacy of the position, and sympathize with the incumbent, whoever he may be. It is true, the question was not debated in 1816; and why not? Because it was not debatable; it was then believed not fairly to arise. It never has been made as a distinct, substantial, and leading point of objection. It never was made until the discussion of the tariff of 1824, when it was rather hinted at as against the spirit of the Constitution, than formally announced as being contrary to the provisions of that instrument. What was not dreamed of before, or in 1816, and scarcely thought of in 1824, is now made, by excited imaginations, to assume the imposing form of a serious constitutional barrier.

Such are the origin, duration, extent, and sanctions of the policy which we are now called upon to subvert. Its beneficial effects, although they may vary in degree, have been felt in all parts of the Union. To none, I verily believe, has it been prejudicial. In the North, everywhere, testimonials are borne to the high prosperity which it has diffused. There, all branches of industry are animated and flourishing. Commerce, foreign and domestic, active; cities and towns springing up, enlarging and beautifying; navigation fully and profitably employed, and the whole face of the country smiling with improvement, cheerfulness, and abundance. The gentleman from South Carolina has supposed that we in the West derive no advantages from this system. He is mistaken. Let him visit us, and he will find, from the head of La Belle Riviere, at Pittsburg, to America, at its mouth, the most rapid and gratifying advances. He will behold Pittsburg itself, Wheeling, Portsmouth, Maysville, Cincinnati, Louisville, and numerous other towns, lining and ornamenting the banks of the noble river, daily extending their limits, and prosecuting, with the greatest spirit and profit, numerous branches of the manufacturing and mechanic arts. If he will go into the interior, in the State of Ohio, he will there perceive the most astonishing progress in agriculture, in the useful arts, and in all the improvements to which they both directly conduce. Then let him cross over into my own, my favorite State, and contemplate the spectacle which is there exhibited. He will perceive numerous villages, not large, but neat, thriving, and some of them highly ornamented; many manufactories of hemp, cotton, wool, and other articles. In various parts of the country, and especially in the Elkhorn region, an endless succession of natural parks; the forests thinned; fallen trees and undergrowth cleared away; large herds and flocks feeding on luxuriant grasses; and interspersed with comfortable, sometimes elegant mansions, surrounded by extensive lawns. The honorable gentleman from South Carolina says, that a profitable trade was carried on from the West, through the Seleuda gap, in mules, horses, and other live stock, which has been checked by the operation of the tariff. It is true that such a trade was carried on between Kentucky and South Carolina, mutually beneficial to both parties; but

several years ago, resolutions, at popular meetings, in Carolina, were adopted, not to purchase the produce of Kentucky, by way of punishment for her attachment to the tariff. They must have supposed us as stupid as the sires of one of the descriptions of the stock of which that trade consisted, if they imagined that their resolutions would affect our principles. Our drovers cracked their whips, blew their horns, and passed the Seleuda gap to other markets, where better humor existed, and equal or greater profits were made. I have heard of your successor in the House of Representatives, Mr. President, this anecdote: that he joined in the adoption of those resolutions, but when, about Christmas, he applied to one of his South Carolina neighbors, to purchase the regular supply of pork for the ensuing year, he found that he had to pay two prices for it; and he declared, if that were the patriotism on which the resolutions were based, he would not conform to them, and, in point of fact, laid in his annual stock of pork by purchase from the first passing Kentucky drover. The trade, now partially resumed, was maintained by the sale of western productions, on the one side, and Carolina money on the other. From that condition of it the gentleman from South Carolina might have drawn this conclusion, that an advantageous trade may exist, although one of the parties to it pays in specie for the production which he purchases from the other; and consequently that it does not follow, if we did not purchase British fabrics that it might not be the interest of England to purchase our raw materia of cotton. The Kentucky drover received the South Carolina specie, o taking bills, or the evidences of deposit in the banks, carried these home, and disposing of them to the merchant, he brought out goods, of foreign or domestic manufacture, in return. Such is the circuitous nature of trade and remittance, which no nation understands better than Great Britain.

Nor has the system which has been the parent source of so much benefit to other parts of the Union, proved injurious to the cotton-growing country. I can not speak of South Carolina itself, where I have never been, with so much certainty; but of other portions of the Union in which cotton is grown, especially those bordering on the Mississippi, I can confidently speak. If cotton-planting is less profitable than it was, that is the result of increased production; but I believe it to be still the most profitable investment of capital of any branch of business in the United States. And if a committee was raised, with power to send for persons and papers, I take it upon myself to say, that such would be the result of the inquiry. In Kentucky, I know many individuals who have their cotton plantations below, and retain their residence in that State, where they remain during the sickly season; and they are all, I believe, without exception, doing well. Others, tempted by their success, are constantly engaging in the business, while scarcely any come from the cotton region to engage in western agriculture. A friend, now in my eye, a member of this body, upon a capital of less than seventy thousand dollars, invested in a plantation and slaves, made, the year before last, sixteen thousand dollars. A member of

the other House, I understand, who, without removing himself, sent some of his slaves to Mississippi, made last year about twenty per cent. Two friends of mine, in the latter State, whose annual income is from thirty to sixty thousand dollars, being desirous to curtail their business, have offered estates for sale which they are willing to show, by regular vouchers of receipt and disbursement, yield eighteen per cent. per annum. One of my most opulent acquaintances, in a county adjoining that in which I reside, having married in Georgia, has derived a large portion of his wealth from a cotton estate there situated.

The loss of the tonnage of Charleston, which has been dwelt on, does not proceed from the tariff; it never had a very large amount, and it has not been able to retain what it had, in consequence of the operation of the principle of free trade on its navigation. Its tonnage has gone to the more enterprising and adventurous tars of the northern States, with whom those of the city of Charleston could not maintain a successful competition, in the freedom of the coasting trade existing between the different parts of the Union. That this must be the true cause, is demonstrated by the fact, that, however it may be with the port of Charleston, our coasting tonnage, generally, is constantly increasing. As to the foreign tonnage, about one half of that which is engaged in the direct trade between Charleston and Great Britain, is English; proving that the tonnage of South Carolina can not maintain itself in a competition, under the free and equal navigation secured by our treaty with that power.

When gentlemen have succeeded in their design of an immediate or gradual destruction of the American system, what is their substitute? Free trade! Free trade! The call for free trade is as unavailing, as the cry of a spoiled child in its nurse's arms, for the moon, or the stars that glitter in the firmament of heaven. It never has existed, it never will exist. Trade implies at least two parties. To be free, it should be fair, equal, and reciprocal. But if we throw our ports wide open to the admission of foreign productions, free of all duty, what ports of any other foreign nation shall we find open to the free admission of our surplus produce? We may break down all barriers to free trade on our part, but the work will not be complete, until foreign powers shall have removed theirs. There would be freedom on one side, and restriction, prohibitions, and exclusions, on the other. The bolts and the bars and the chains of all other nations will remain undisturbed. It is, indeed, possible, that our industry and commerce would accommodate themselves to this unequal and unjust state of things; for, such is the flexibility of our nature, that it bends itself to all circumstances. The wretched prisoners incarcerated in a jail, after a long time, becomes reconciled to his solitude, and regularly notches down the passing days of his confinement.

Gentlemen deceive themselves. It is not free trade that they are recommending to our acceptance. It is, in effect, the British colonial system that we are invited to adopt; and, if their policy prevail, it will lead sub-

stantially to the recolonization of these States under the commercial dominion of Great Britain. And whom do we find some of the principal supporters, out of Congress, of this foreign system? Mr. President, there are some foreigners who always remain exotics, and never become naturalized in our country; while happily, there are many others who readily attach themselves to our principles and our institutions. The honest, patient, and industrious German, readily unites with our people; establishes himself upon some of our fat lands, fills his capacious barn, and enjoys in tranquillity the abundant fruits which his diligence gathers around him; always ready to fly to the standard of his adopted country, or of its laws, when called by the duties of patriotism. The gay, the versatile, the philosophic Frenchman, accommodating himself cheerfully to all the vicissitudes of life, incorporates himself without difficulty, in our society. But, of all foreigners, none amalgamate themselves so quickly with our people as the natives of the Emerald isle. In some of the visions which have passed through my imagination, I have supposed that Ireland was originally part and parcel of this continent, and that by some extraordinary convulsion of nature, it was torn from America, and, drifting across the ocean, was placed in the unfortunate vicinity of Great Britain. The same openheartedness; the same generous hospitality; the same careless and uncalculating indifference about human life; characterize the inhabitants of both countries. Kentucky has been sometimes called the Ireland of America. And I have no doubt, that if the current of emigration were reversed, and set from America upon the shores of Europe instead of bearing from Europe to America, every American emigrant to Ireland would there find, as every Irish emigrant here finds, a hearty welcome and a happy home!

But sir, the gentleman to whom I am about to allude, although long a resident of this country, has no feelings, no attachments, no sympathies, no principles, in common with our people. Nearly fifty years ago, Pennsylvania took him to her bosom, and warmed, and cherished, and honored him;* and how does he manifest his gratitude? By aiming a vital blow at a system endeared to her by a thorough conviction that it is indispensable to her prosperity. He has filled, at home and abroad, some of the highest offices under this government, during thirty years, and he is still at heart an alien. The authority of his name has been invoked, and the labors of his pen, in the form of a memorial to Congress, have been engaged, to overthrow the American system, and to substitute the foreign. Go home to your native Europe, and there inculcate upon her sovereigns your Utopian doctrines of free trade, and when you have prevailed upon them to unseal their ports, and freely admit the produce of Pennsylvania and other States, come back, and we shall be prepared to become converts, and to adopt your faith.

A Mr. Sarchet also makes no inconsiderable figure in the common attack upon our system. I do not know the man, but I understand he is an un-

* Mr. Gallatin.

naturalized emigrant from the island of Guernsey, situated in the channel which divides France and England. The principal business of the inhabitants is that of driving a contraband trade with the opposite shores, and Mr. Sarchet, educated in that school, is, I have been told, chiefly engaged in employing his wits to elude the operation of our revenue laws, by introducing articles at less rates of duty than they are justly chargeable with, which he effects by varying the denominations, or slightly changing their forms. This man, at a former session of the Senate, caused to be presented a memorial, signed by some one hundred and fifty pretended workers in iron. Of these, a gentleman made a careful inquiry and examination, and he ascertained that there were only about ten of the denomination represented; the rest were tavern-keepers, porters, merchants' clerks, hackney coachmen, and so forth. I have the most respectable authority, in black and white, for this statement.

[Here General Hayne asked, who? and was he a manufacturer? Mr. Clay replied, Colonel Murray, of New York, a gentleman of the highest standing for honor, probity, and veracity; that he did not know whether he was a manufacturer or not, but the gentleman might take him as one.]

Whether Mr. Sarchet got up the late petition presented to the Senate, from the journeymen tailors of Philadelphia, or not, I do not know. But I should not be surprised if it were a movement of his, and if we should find that he has cabbaged from other classes of society to swell out the number of signatures.

To the facts manufactured by Mr. Sarchet, and the theories by Mr. Gallatin, there was yet wanting one circumstance to recommend them to favorable consideration, and that was, the authority of some high name. There was no difficulty in obtaining one from a British repository. The honorable gentleman has cited a speech of my Lord Goderich, addressed to the British Parliament, in favor of free trade, and full of deep regret that old England could not possibly conform her practice of rigorous restriction and exclusion to her liberal doctrines of unfettered commerce, so earnestly recommended to foreign powers. Sir, I know my Lord Goderich very well, although my acquaintance with him was prior to his being summoned to the British House of Peers. We both signed the convention between the United States and Great Britain, of 1815. He is an honorable man, frank, possessing but ordinary business talents, about the stature and complexion of the honorable gentleman from South Carolina, a few years older than he, and every drop of blood running in his veins being pure and unadulterated Anglo-Saxon blood. If he were to live to the age of Methuselah, he could not make a speech of such ability and eloquence as that which the gentleman from South Carolina recently delivered to the Senate; and there would be much more fitness in my Lord Goderich making quotations from the speech of the honorable gentleman, than his quoting, as authority, the theoretical doctrines of my Lord Goderich. We are too

much in the habit of looking abroad, not merely for manufactured articles, but for the sanction of high names to support favorite theories. I have seen and closely observed the British Parliament, and, without derogating from its justly elevated character, I have no hesitation in saying, that in all the attributes of order, dignity, patriotism, and eloquence, the American Congress would not suffer, in the smallest degree, by a comparison with it.

I dislike this resort to authority, and especially foreign and interested authority, for the support of principles of public policy. I would greatly prefer to meet gentlemen upon the broad ground of fact, of experience, and of reason; but, since they will appeal to British names and authority, I feel myself compelled to imitate their bad example. Allow me to quote from a speech of a member of the British Parliament, bearing the same family name with my Lord Goderich, but whether or not a relation of his, I do not know. The member alluded to, was arguing against the violation of the treaty of Methuen—that treaty not less fatal to the interests of Portugal than would be the system of gentlemen to the best interests of America—and he went on to say:

"It was idle for us to endeavor to persuade other nations to join with us in adopting the principles of what was called 'free trade.' Other nations knew, as well as the noble lord opposite, and those who acted with him, what we meant by 'free trade,' was nothing more nor less than, by means of the great advantages we enjoyed, to get a monopoly of all their markets for our manufactures, and to prevent them, one and all, from ever becoming manufacturing nations. When the system of reciprocity and free trade had been proposed to a French embassador, his remark was, that the plan was excellent in theory, but, to make it fair in practice, it would be necessary to defer the attempt to put it in execution for half a century, until France should be on the same footing with Great Britain, in marine, in manufactures, in capital, and the many other peculiar advantages which it now enjoyed. The policy that France acted on was that of encouraging its native manufactures, and it was a wise policy; because, if it were freely to admit our manufactures, it would speedily be reduced to the rank of an agricultural nation; and, therefore, a poor nation, as all must be that depend exclusively upon agriculture. America acted, too, upon the same principle with France. America legislated for futurity—legislated for an increasing population. America, too, was prospering under this system. In twenty years, America would be independent of England for manufactures altogether. * * * But since the peace, France, Germany, America, and all the other countries of the world, had proceeded upon the principle of encouraging and protecting native manufactures."

But I have said that the system nominally called "free trade," so earnestly and eloquently recommended to our adoption, is a mere revival of the British colonial system, forced upon us by Great Britain during the existence of our colonial vassalage. The whole system is fully explained and illustrated in a work published as far back as the year 1750, entitled "The Trade and Navigation of Great Britain Considered, by Joshua Gee,"

with extracts from which I have been furnished by the diligent researches of a friend. It will be seen from these, that the South Carolina policy now is identical with the long-cherished policy of Great Britain, which remains the same as it was when the thirteen colonies were part of the British empire. In that work the author contends:

"First, that manufactures, in American colonies, should be discouraged or prohibited.

"Great Britain, with its dependencies, is doubtless as well able to subsist within itself, as any nation in Europe. We have an enterprising people, fit for all the arts of peace and war. We have provisions in abundance, and those of the best sort, and are able to raise sufficient for double the number of inhabitants. We have the very best materials for clothing, and want nothing, either for use, or even for luxury, but what we have at home, or might have from our colonies; so that we might make such an intercourse of trade among ourselves, or between us and them, as would maintain a vast navigation. But we ought always to keep a watchful eye over our colonies, to restrain them from setting up any of the manufactures which are carried on in Great Britain; and any such attempts should be crushed in the beginning; for if they are suffered to grow up to maturity, it will be difficult to suppress them. Pages 177, 178, 179.

"Our colonies are much in the same state Ireland was in, when they began the woolen manufactory, and as their numbers increase, will fall upon manufactures for clothing themselves, if due care be not taken to find employment for them, in raising such productions as may enable them to furnish themselves with all their necessaries from us."

Then it was the object of the British economists to adapt the means or wealth of the colonists to the supply required by their necessities, and to make the mother country the source of that supply. Now it seems the policy is only so far to be reversed, that we must continue to import necessaries from Great Britain, in order to enable her to purchase raw cotton from us.

"I should, therefore, think it worthy the care of the government, to endeavor, by all possible means, to encourage them in raising silk, hemp, flax, iron [only pig, to be hammered in England], potash, and so forth, by giving them competent bounties in the beginning, and sending over judicious and skillful persons at the public charge, to assist and instruct them in the most proper methods of management, which, in my apprehension, would lay a foundation for establishing the most profitable trade of any we have. And considering the commanding situation of our colonies along the sea-coast, the great convenience of navigable rivers in all of them, the cheapness of land, and the easiness of raising provisions, great numbers of people would transport themselves thither, to settle upon such improvements. Now, as people have been filled with fears that the colonies, if encouraged to raise rough materials, would set up for themselves, a little regulation would remove all those jealousies out of the way. They have never thrown or wove any silk, as yet, that we have heard of. Therefore if a law was made to prohibit the use of every throwster's mill, of

doubling or hosling silk with any machine whatever, they would then send it to us raw. And as they will have the providing rough materials to themselves, so shall we have the manufacturing of them. If encouragement be given for raising hemp, flax, and so forth, doubtless they will soon begin to manufacture, if not prevented. Therefore, to stop the progress of any such manufacture, it is proposed, that no weaver shall have liberty to set up any looms, without first registering, at an office kept for that purpose, and the name and place of abode of any journeyman that shall work for him. But if any particular inhabitant shall be inclined to have any linen or woolen made of their own spinning, they should not be abriged of the same liberty that they now make use of, namely, to carry to a weaver (who shall be licensed by the governor), and have it wrought up for the use of the family, but not to be sold to any person in a private manner, nor exposed to any market or fair, upon pain of forfeiture.

"And, inasmuch as they have been supplied with all their manufactures from hence, except what is used in building of ships, and other country work, one half of our exports being supposed to be in NAILS—a manufacture which they allow has never hitherto been carried on among them—it is proposed they shall, for time to come, never erect the manufacture of any, under the size of a two-shilling nail, horse-nails excepted; that all slitting mills and engines, for drawing wire, or weaving stockings, be put down, and that every smith who keeps a common forge or shop, shall register his name and place of abode, and the name of every servant which he shall employ, which license shall be renewed once every year, and pay for the liberty of working at such trade. That all negroes shall be prohibited from weaving either linen or woolen, or spinning or combing of wool, or working at any manufacture of iron, further than making it into pig or bar iron. That they also be prohibited from manufacturing hats, stockings, or leather of any kind. This limitation will not abridge the planters of any privilege they now enjoy. On the contrary, it will turn their industry to promoting and raising those rough materials."

The author then proposes, that the board of trade and plantations should be furnished with statistical accounts of the various permitted manufactures, to enable them to encourage or depress the industry of the colonists, and prevent the danger of interference with British industry.

"It is hoped that this method would allay the heat that some people have shown for destroying the iron-works on the plantations, and pulling down all their forges, taking away, in a violent manner, their estates and properties, preventing the husbandmen from getting their plowshares, carts, and other utensils mended, destroying the manufacture of ship-building, by depriving them of the liberty of making bolts, spikes, and other things proper for carrying on that work, by which article returns are made for purchasing our woolen manufactures." Pages 87, 88, 89.

Such is the picture of colonists dependent upon the mother country for their necessary supplies, drawn by a writer who was not among the number of those who desired to debar them the means of building a vessel, erecting a forge, or mending a plowshare, but who was willing to promote

their growth and prosperity as far as was consistent with the paramount interests of the manufacturing or parent state.

"Secondly, the advantages to Great Britain, from keeping the colonists dependent on her for their essential supplies.

"If we examine into the circumstanstances of the inhabitants of our plantations, and our own, it will appear, that not one fourth part of their product redounds to their own profit; for, out of all that comes here, they only carry back clothing, and other accommodations for their families, all of which is of the merchandise and manufacture of this kingdom."

After showing how this system tends to concentrate all the surplus of acquisition over absolute expenditure in England, he says:

"All these advantages we receive by the plantations, besides the mortgages on the planters' estates, and the high interest they pay us, which is very considerable; and therefore very great care ought to be taken in regulating all the affairs of the colonists, that the planters be not put under too many difficulties, but encouraged to go on cheerfully.

"New England, and the northern colonies, have not commodities and products enough to send us, in return, for purchasing their necessary clothing, but are under very great difficulties, and therefore any ordinary sort sell with them. And when they have grown out of fashion with us, they are new-fashioned enough there."

Sir, I can not go on with this disgusting detail. Their refuse goods, their old shop-keepers, their cast-off clothes good enough for us! Was there ever a scheme more artfully devised, by which the energies and faculties of one people should be kept down, and rendered subservient to the pride, and the pomp, and the power of another? The system then proposed differs only from that which is now recommended in one particular—that was intended to be enforced by power; this would not be less effectually executed by the force of circumstances. A gentleman in Boston (Mr. Lee), the agent of the free-trade convention, from whose exhaustless mint there is a constant issue of reports, seems to envy the blessed condition of dependent Canada, when compared to the oppressed state of this Union; and it is a fair inference from the view which he presents, that he would have us hasten back to the golden days of that colonial bondage, which is so well depicted in the work from which I have been quoting. Mr. Lee exhibits two tabular statements, in one of which he presents the high duties which he represents to be paid in the ports of the United States, and in the other, those which are paid in Canada, generally about two per centum ad valorem. But did it not occur to him, that the duties levied in Canada are paid chiefly in British manufactures, or on articles passing from one part to another of a common empire? and that, to present a parallel case in the United States, he ought to have shown, that importations made into one State from another, which are now free, are subject to the same or higher duties than are paid in Canada?

I will now, Mr. President, proceed to a more particular consideration of the arguments urged against the protective system, and an inquiry into its practical operation, especially on the cotton-growing country. And as I wish to state and meet the argument fairly, I invite the correction of my statement of it, if necessary. It is alleged that the system operates prejudicially to the cotton planter, by diminishing the foreign demand for his staple; that we can not sell to Great Britain unless we buy from her; that the import duty is equivalent to an export duty, and falls upon the cotton grower; that South Carolina pays a disproportionate quota of the public revenue; that an abandonment of the protective policy would lead to an augmentation of our exports, of an amount not less than one hundred and fifty millions of dollars; and, finally, that the South can not partake of the advantages of manufacturing, if there be any. Let us examine these various propositions in detail. First, that the foreign demand for cotton is diminished, and that we can not sell to Great Britain unless we buy from her. The demand of both our great foreign customers, is constantly and annually increasing. It is true, that the ratio of the increase may not be equal to that of production; but this is owing to the fact, that the power of producing the raw material is much greater, and is, therefore, constantly in advance of the power of consumption. A single fact will illustrate. The average produce of laborers engaged in the cultivation of cotton, may be estimated at five bales, or fifteen hundred weight to the hand. Supposing the annual average consumption of each individual who uses cotton cloth, to be five pounds, one hand can produce enough of the raw material to clothe three hundred.

The argument comprehends two errors, one of fact and the other of principle. It assumes that we do not in fact purchase of Great Britain. What is the true state of the case? There are certain, but very few articles which it is thought sound policy requires that we should manufacture at home, and on these the tariff operates. But with respect to all the rest, and much the larger number of articles of taste, fashion, and utility, they are subject to no other than revenue duties, and are freely introduced. I have before me from the Treasury a statement of our imports from England, Scotland, and Ireland, including ten years, preceding the last, and three quarters of the last year, from which it will appear that, although there are some fluctuations in the amount of the different years, the largest amount imported in any one year has been since the tariff of 1824, and that the last year's importation, when the returns of the fourth quarter shall be received, will probably be the greatest in the whole term of eleven years.

Now, if it be admitted that there is a less amount of the protected articles imported from Great Britain, she may be, and probably is, compensated for the deficiency, by the increased consumption in America of the articles of her industry not falling within the scope of the policy of our protection. The establishment of manufactures among us excites the

creation of wealth, and this gives new powers of consumption, which are gratified by the purchase of foreign objects. A poor nation can never be a great consuming nation. Its poverty will limit its consumption to bare subsistence.

The erroneous principle which the argument includes, is, that it devolves on us the duty of taking care that Great Britain shall be enabled to purchase from us without exacting from Great Britain the corresponding duty. If it be true on one side that nations are bound to shape their policy in reference to the ability of foreign powers, it must be true on both sides of the Atlantic. And this reciprocal obligation ought to be emphatically regarded toward the nation supplying the raw material, by the manufacturing nation, because the industry of the latter gives four or five values to what had been produced by the industry of the former.

But, does Great Britain practice toward us upon the principles which we are now required to observe in regard to her? The exports to the United Kingdom, as appears from the same treasury statement just adverted to, during eleven years, from 1820 to 1831, and exclusive of the fourth quarter of the last year, fall short of the amount of imports by upward of forty-six millions of dollars, and the total amount, when the returns of that quarter are received, will exceed fifty millions of dollars! It is surprising how we have been able to sustain, for so long a time, a trade so very unequal. We must have been absolutely ruined by it, if the unfavorable balance had not been neutralized by more profitable commerce with other parts of the world. Of all nations, Great Britain has the least cause to complain of the trade between the two countries. Our imports from that single power are nearly one third of the entire amount of our importations from all foreign countries together. Great Britain constantly acts on the maxim of buying only what she wants and can not produce, and selling to foreign nations the utmost amount she can. In conformity with this maxim, she excludes articles of prime necessity, produced by us, equally if not more necessary than any of her industry which we tax, although the admission of those articles would increase our ability to purchase from her, according to the argument of gentlemen.

If we purchased still less from Great Britain than we do, and our conditions were reversed, so that the value of her imports from this country exceeded that of her exports to it, she would only then be compelled to do what we have so long done, and what South Carolina does, in her trade with Kentucky, make up for the unfavorable balance by trade with other places and countries. How does she now dispose of the one hundred and sixty millions of dollars' worth of cotton fabrics, which she annually sells? Of that amount the United States do not purchase five per centum. What becomes of the other ninety-five per centum? Is it not sold to other powers, and would not their markets remain, if ours were totally shut? Would she not continue, as she now finds it her interest, to purchase the raw material from us, to supply those markets? Would she be

guilty of the folly of depriving herself of markets to the amount of upward of one hundred and fifty millions of dollars, because we refused her a market for some eight or ten millions?

But if there were a diminution of the British demand for cotton equal to the loss of a market for the few British fabrics which are within the scope of our protective policy, the question would still remain, whether the cotton-planter is not amply indemnified by the creation of additional demand elsewhere? With respect to the cotton-grower, it is the totality of the demand, and not its distribution, which affects his interests. If any system of policy will augment the aggregate of the demand, that system is favorable to his interests, although its tendency may be to vary the theater of the demand. It could not, for example, be injurious to him, if, instead of Great Britain continuing to receive the entire quantity of cotton which she now does, two or three hundred thousand bales of it were taken to the other side of the channel, and increased to that extent the French demand. It would be better for him, because it is always better to have several markets than one. Now if, instead of a transfer to the opposite side of the channel, of those two or three hundred thousand bales, they are transported to the northern States, can that be injurious to the cotton-grower? Is it not better for him? Is it not better to have a market at home, unaffected by war, or other foreign causes, for that amount of his staple?

If the establishment of American manufactures, therefore, had the sole effect of creating a new and an American demand for cotton, exactly to the same extent in which it lessened the British demand, there would be no just cause of complaint against the tariff. The gain in one place would precisely equal the loss in the other. But the true state of the matter is much more favorable to the cotton-grower. It is calculated that the cotton manufactories of the United States absorb at least two hundred thousand bales of cotton annually. I believe it to be more. The two ports of Boston and Providence alone received during the last year nearly one hundred and ten thousand bales. The amount is annually increasing. The raw material of that two hundred thousand bales is worth six millions, and there is an additional value conferred by the manufacturer of eighteen millions; it being generally calculated that, in such cotton fabrics as we are in the habit of making, the manufacture constitutes three fourths of the value of the article. If, therefore, these twenty-four millions worth of cotton fabrics were not made in the United States, but were manufactured in Great Britain, in order to obtain them, we should have to add to the already enormous disproportion between the amount of our imports and exports, in the trade with Great Britain, the further sum of twenty-four millions, or, deducting the price of the raw material, eighteen millions! And will gentlemen tell me how it would be possible for this country to sustain such a ruinous trade? From all that portion of the United States lying north and east of James river, and west of the mountains,

Great Britian receives comparatively nothing. How would it be possible for the inhabitants of that largest portion of our territory, to supply themselves with cotton fabrics, if they were brought from England exclusively? They could not do it. But for the existence of the American manufacture they would be compelled greatly to curtail their supplies, if not absolutely to suffer in their comforts. By its existence at home, the circle of those exchanges is created, which reciprocally diffuses among all who are embraced within it the productions of their respective industry. The cotton-grower sells the raw material to the manufacturer; he buys the iron, the bread, the meal, the coal, and the countless number of objects of his consumption from his fellow-citizens, and they in turn purchase his fabrics. Putting it upon the ground merely of supplying those with necessary articles who could not otherwise obtain them, ought there to be from any quarter an objection to the only system by which that object can be accomplished? But can there be any doubt with those who will reflect, that the actual amount of cotton consumed is increased by the home manufacture? The main argument of gentlemen is founded upon the idea of mutual ability resulting from mutual exchanges. They would furnish an ability to foreign nations by purchasing from them, and I, to our own people, by exchanges at home. If the American manufacture were discontinued, and that of England were to take its place, how would she sell the additional quantity of twenty-four millions of cotton goods, which we now make? To us? That has been shown to be impracticable. To other foreign nations? She has already pushed her supplies to them to the utmost extent. The ultimate consequence would then be, to diminish the total consumption of cotton, to say nothing now of the reduction of price that would take place by throwing into the ports of Great Britain the two hundred thousand bales, which, no longer being manufactured in the United States, would go thither.

Second, that the import duty is equivalent to an export duty, and falls on the producer of cotton.

The framers of our Constitution, by granting the power to Congress to lay imposts, and prohibiting that of laying an export duty, manifested that they did not regard them as equivalent. Nor does the common sense of mankind. An export duty fastens upon, and incorporates itself with, the article on which it is laid. The article can not escape from it—it pursues and follows it, wherever the article goes; and if, in the foreign market, the supply is above or just equal to the demand, the amount of the export duty will be a clear deduction to the exporter from the price of the article. But an import duty on a foreign article leaves the exporter of the domestic article free, first, to import specie; secondly, goods which are free from the protecting duty; or, thirdly, such goods as, being chargeable with the protecting duty, he can sell at home, and throw the duty on the consumer.

But, it is confidently argued that the import duty falls upon the grower

of cotton; and the case has been put in debate, and again and again in conversation, of the South Carolina planter, who exports one hundred bales of cotton to Liverpool, exchanges them for one hundred bales of merchandise, and when he brings them home, being compelled to leave at the custom-house forty bales in the form of duties. The argument is founded on the assumption that a duty of forty per centum amounts to a subtraction of forty from the one hundred bales of merchandise. The first objection to it is, that it supposes a case of barter, which never occurs. If it be replied, that it nevertheless occurs in the operations of commerce, the answer would be that, since the export of Carolina cotton is chiefly made by New York or foreign merchants, the loss stated, if it really accrued, would fall upon them, and not upon the planter. But, to test the correctness of the hypothetical case, let us suppose that the duty, instead of forty per centum, should be one hundred and fifty, which is asserted to be the duty in some cases. Then, the planter would not only lose the whole hundred bales of merchandise, which he had gotten for his hundred bales of cotton, but he would have to purchase, with other means, an additional fifty bales, in order to enable him to pay the duties accruing on the proceeds of the cotton. Another answer is, that if the producer of cotton in America, exchanged against English fabrics, pays the duty, the producer of those fabrics also pays it, and then it is twice paid. Such must be the consequence, unless the principle is true on one side of the Atlantic, and false on the other. The true answer is, that the exporter of an article, if he invests its proceeds in a foreign market, takes care to make the investment in such merchandise as, when brought home, he can sell with a fair profit; and, consequently, the consumer would pay the original cost and charges, and profit.

Third. The next objection to the American system is, that it subjects South Carolina to the payment of an undue proportion of the public revenue. The basis of this objection is the assumption, shown to have been erroneous, that the producer of the exports from this country pays the duty on its imports, instead of the consumer of those imports. The amount which South Carolina really contributes to the public revenue, no more than that of any other State, can be precisely ascertained. It depends upon her consumption of articles paying duties, and we may make an approximation sufficient for all practical purposes. The cotton planters of the valley of the Mississippi with whom I am acquainted, generally expend but one third of their income in the support of their families and plantations. On this subject I hold in my hands a statement from a friend of mine, of great accuracy, and a member of the Senate. According to this statement in a crop of ten thousand dollars, the expense may fluctuate between two thousand eight hundred dollars and three thousand two hundred dollars. Of this sum, about one fourth, from seven to eight hundred dollars, may be laid out in articles paying the protective duty; the residue is disbursed for provisions, mules, horses, oxen, wages of overseer,

etc. Estimating the exports of South Carolina at eight millions, one third is two millions six hundred and sixty-six thousand six hundred and sixty six dollars; of which one fourth will be six hundred and sixty-six thousand six hundred and sixty-six and two thirds dollars. Now, supposing the protecting duty to be fifty per centum, and that it all enters into the price of the article, the amount paid by South Carolina would only be three hundred and thirty-three thousand three hundred and thirty-three and one third dollars. But the total revenue of the United States may be stated at twenty millions, of which the proportion of South Carolina, whatever standard, whether of wealth or population, be adopted, would be about one million. Of course on this view of the subject, she actually pays only about one third of her fair and legitimate share. I repeat, that I have no personal knowledge of the habits of actual expenditure in South Carolina; they may be greater than I have stated, in respect to other parts of the cotton country; but if they are, that fact does not arise from any defect in the system of public policy.

Fourth. An abandonment of the American system, it is urged, would lead to an addition to our exports of one hundred and fifty millions of dollars. The amount of one hundred and fifty millions of cotton, in the raw state, would produce four hundred and fifty millions in the manufactured state, supposing no greater measure of value be communicated, in the manufactured form, than that which our industry imparts. Now, sir, where would markets be found for this vast addition to the supply? Not in the United States, certainly, nor in any other quarter of the globe, England having already everywhere pressed her cotton manufactures to the utmost point of repletion. We must look out for new worlds, seek for new and unknown races of mortals, to consume this immense increase of cotton fabrics.

[General Hayne said, that he did not mean that the increase of one hundred and fifty millions to the amount of our exports would be of cotton alone, but of other articles.]

What other articles? Agricultural produce—bread-stuffs, beef and pork, and so forth? Where shall we find markets for them? Whither shall we go? To what country, whose ports are not hermetically sealed against their admission? Break down the home market and you are without resource. Destroy all other interests in the country, for the imaginary purpose of advancing the cotton-planting interest, and you inflict a positive injury, without the smallest practical benefit to the cotton planter. Could Charleston, or the whole South, when all other markets are prostrated, or shut against the reception of the surplus of our farmers, receive that surplus? Would they buy more than they might want for their own consumption? Could they find markets which other parts of the Union could not? Would gentlemen force the freemen of all north of James river, east and west, like the miserable slave, on the Sabbath day, to repair to Charles-

ton, with a turkey under his arm, or a pack upon his back, and beg the clerk of some English or Scotch merchant, living in his gorgeous palace, or rolling in his splendid coach in the streets, to exchange his "truck" for a bit of flannel to cover his naked wife and children! No! I am sure that I do no more than justice to their hearts, when I believe that they would reject what I believe to be the inevitable effects of their policy.

Fifth. But it is contended, in the last place, that the South can not, from physical and other causes, engage in the manufacturing arts. I deny the premises, and I deny the conclusion. I deny the fact of inability; and, if it existed, I deny the conclusion, that we must, therefore, break down our manufactures, and nourish those of foreign countries. The South possesses, in an extraordinary degree, two of the most important elements of manufacturing industry—water-power and labor. The former gives to our whole country a most decided advantage over Great Britain. But a single experiment, stated by the gentleman from South Carolina, in which a faithless slave put the torch to a manufacturing establishment, has discouraged similar enterprises. We have in Kentucky the same description of population, and we employ them, almost exclusively, in many of our hemp manufactories. A neighbor of mine, one of our most opulent and respectable citizens, has had one, two, if not three, manufactories burned by incendiaries; but he persevered, and his perseverance has been rewarded with wealth. We found that it was less expensive to keep night-watches than to pay premiums for insurance, and we employed them.

Let it be supposed, however, that the South can not manufacture; must those parts of the Union which can, be therefore prevented? Must we support those of foreign countries? I am sure that injustice would be done to the generous and patriotic nature of South Carolina, if it were believed that she envied or repined at the success of other portions of the Union in branches of industry to which she might happen not to be adapted. Throughout her whole career she has been liberal, national, high-minded.

The friends of the American system have been reminded by the honorable gentleman from Maryland (General Smith), that they are the majority, and he has admonished them to exercise their power in moderation. The majority ought never to trample upon the feelings, or violate the just rights of the minority. They ought never to triumph over the fallen, nor to make any but a temperate and equitable use of their power. But these counsels come with an ill grace from the gentleman from Maryland. He, too, is a member of a majority—a political majority. And how has the administration of that majority exercised their power in this country? Recall to your recollection the 4th of March, 1829, when the lank, lean, famished forms, from fen and forest, and the four quarters of the Union, gathered together in the halls of patronage; or stealing by evening's twilight into the apartments of the president's mansion, cried out, with ghastly faces, and in sepulchral tones, "give us bread! gives us treasury pap

give us our reward!" England's bard was mistaken; ghosts will sometimes come, called or uncalled. Go to the families who were driven from the employments on which they were dependent for subsistence, in consequence of their exercise of the dearest right of freemen. Go to mothers, while hugging to their bosoms their starving children. Go to fathers who, after being disqualified by long public service for any other business, were stripped of their humble places, and then sought, by the minions of authority, to be stripped of all that was left them—their good names—and ask, what mercy was shown to them! As for myself, born in the midst of the Revolution, the first air that I ever breathed on my native soil of Virginia having been that of liberty and independence, I never expected justice, nor desired mercy at their hands; and scorn the wrath and defy the oppression of power.

I regret, Mr. President, that one topic has, I think, unnecessarily been introduced into this debate. I allude to the charge brought against the manufacturing system, as favoring the growth of aristocracy. If it were true, would gentlemen prefer supporting foreign accumulations of wealth, by that description of industry, rather than in their own country? But is it correct? The joint-stock companies of the North, as I understand them, are nothing more than associations, sometimes of hundreds, by means of which the small earnings of many are brought into a common stock, and the associates, obtaining corporate privileges, are enabled to prosecute, under one superintending head, their business to better advantage. Nothing can be more essentially democratic or better devised to counterpoise the influence of individual wealth. In Kentucky, almost every manufactory known to me, is in the hands of enterprising and self-made men, who have acquired whatever wealth they possess by patient and diligent labor. Comparisons are odious, and but in defense would not be made by me. But is there more tendency to aristocracy in a manufactory, supporting hundreds of freemen, or in a cotton plantation, with its not less numerous slaves, sustaining perhaps only two white families—that of the master and the overseer?

I pass, with pleasure, from this disagreeable topic, to two general propositions which cover the entire ground of debate. The first is, that under the operation of the American system, the objects which it protects and fosters are brought to the consumer at cheaper prices than they commanded prior to its introduction, or, than they would command if it did not exist. If that be true, ought not the country to be contented and satisfied with the system, unless the second proposition, which I mean presently also to consider, is unfounded? And that is, that the tendency of the system is to sustain, and that it has upheld, the prices of all our agricultural and other produce, including cotton.

And is the fact not indisputable, that all essential objects of consumption affected by the tariff, are cheaper and better since the act of 1824, than they were for several years prior to that law? I appeal for its truth to

common observation, and to all practical men. I appeal to the farmer of the country, whether he does not purchase on better terms his iron, salt, brown sugar, cotton goods, and woolens, for his laboring people? And I ash the cotton planter if he has not been better and more cheaply supplied with his cotton-bagging? In regard to this latter article, the gentleman from South Carolina was mistaken, in supposing that I complained that, under the existing duty, the Kentucky manufacturer could not compete with the Scotch. The Kentuckian furnishes a more substantial and a cheaper article, and at a more uniform and regular price. But it was the frauds, the violations of law, of which I did complain; not smuggling, in the common sense of that practice, which has something bold, daring, and enterprising in it, but mean, bare-faced cheating, by fraudulent invoices and false denominations.

I plant myself upon this fact, of cheapness and superiority, as upon impregnable ground. Gentlemen may tax their ingenuity, and produce a thousand speculative solutions of the fact, but the fact itself will remain undisturbed. Let us look into some particulars. The total consumption of bar iron in the United States is supposed to be about one hundred and forty-six thousand tons, of which one hundred and twelve thousand eight hundred and sixty-six tons are made within the country, and the residue imported. The number of men employed in the manufacture is estimated at twenty-nine thousand two hundred and fifty-four, and the total number of persons subsisted by it at one hundred and forty-six thousand two hundred and seventy-three. The measure of protection extended to this necessary article was never fully adequate until the passage of the act of 1828; and what has been the consequence? The annual increase of quantity, since that period, has been in a ratio of near twenty-five per centum, and the wholesale price of bar iron in the northern cities was, in 1828, one hundred and five dollars per ton; in 1829, one hundred dollars; in 1830, ninety dollars; and in 1831, from eighty-five to seventy-five dollars—constantly diminishing. We import very little English iron, and that which we do is very inferior, and only adapted to a few purposes. In instituting a comparison between that inferior article and our superior iron, subjects entirely different are compared. They are made by different processes. The English can not make iron of equal quality to ours, at a less price than we do. They have three classes, best-best, best, and ordinary. It is the latter which is imported. Of the whole amount imported, there is only about four thousand tons of foreign iron that pays the high duty, the residue paying only a duty of about thirty per centum, estimated on the prices of the importation of 1829. Our iron ore is superior to that of Great Britain, yielding often from sixty to eighty per centum, while theirs produces only about twenty-five. This fact is so well known, that I have heard of recent exportations of iron ore to England.

It has been alleged, that bar iron, being a raw material, ought to be admitted free, or with low duties, for the sake of the manufacturers them-

selves. But I take this to be the true principle, that if our country is producing a raw material of prime necessity, and with reasonable protection, can produce it in sufficient quantity to supply our wants, that raw material ought to be protected, although it may be proper to protect the article also out of which it is manufactured. The tailor will ask protection for himself, but wishes it denied to the grower of wool and the manufacturer of broadcloth. The cotton planter enjoys protection for the raw material, but does not desire it to be extended to the cotton manufacurer. The ship builder will ask protection for navigation, but does not wish it extended to the essential articles which enter into the construction of his ship. Each in his proper vocation solicits protection, but would have it denied to all other interests which are supposed to come into collision with his.

Now the duty of the statesman is, to elevate himself above these petty conflicts; calmly to survey all the various interests, and deliberately to proportion the measures of protection to each, according to the nature and to the general wants of society. It is quite possible that, in the degree of protection which has been afforded to the various workers in iron, there may be some error committed, although I have lately read an argument of much ability, proving that no injustice has really been done to them. If there be, it ought to be remedied.

The next article to which I would call the attention of the Senate, is that of cotton fabrics. The success of our manufacture of coarse cottons is generally admitted. It is demonstrated by the fact that they meet the cotton fabrics of other countries in foreign markets, and maintain a successful competition with them. There has been a gradual increase of the exports of this article, which is sent to Mexico and the South American republics, to the Mediterranean, and even to Asia. The remarkable fact was lately communicated to me, that the same individual, who twenty-five years ago was engaged in the importation of cotton cloth from Asia for American consumption, is now engaged in the exportation of coarse American cottons to Asia, for Asiatic consumption! And my honorable friend from Massachusetts, now in my eye (Mr. Silsbee), informed me, that on his departure from home, among the last orders which he gave, one was for the exportation of coarse cottons to Sumatra, in the vicinity of Calcutta! I hold in my hand a statement, derived from the most authentic source showing that the identical description of cotton cloth, which sold in 1817 at twenty-nine cents per yard, was sold in 1819 at twenty-one cents, in 1821 at nineteen and a half cents, in 1823 at seventeen cents, in 1825 at fourteen and a half cents, in 1827 at thirteen cents, in 1829 at nine cents, in 1830 at nine and a half cents, and in 1831 at from ten and a half to eleven. Such is the wonderful effect of protection, competition, and improvement in skill, combined! The year 1829 was one of some suffering to this branch of industry, probably owing to the principle of competition being pushed too far. Hence we observe a small rise in the article for the next two years. The introduction of calico-printing into the United

States, constitutes an important era in our manufacturing industry. It commenced about the year 1825, and has since made such astonishing advances, that the whole quantity now annually printed is but little short of forty millions of yards—about two thirds of our whole consumption. It is a beautiful manufacture, combining great mechanical skill with scientific discoveries in chemistry. The engraved cylinders for making the impression require much taste, and put in requisition the genius of the fine arts of design and engraving. Are the fine graceful forms of our fair countrywomen less lovely when enveloped in the chintzes and calicoes produced by native industry, than when clothed in the tinsel of foreign drapery?

Gentlemen are no doubt surprised at these facts. They should not underrate the energies, the enterprise, and the skill of our fellow-citizens. I have no doubt they are every way competent to accomplish whatever can be effected by any other people, if encouraged and protected by the fostering care of our own government. Will gentlemen believe the fact, which I am authorized now to state, that the United States, at this time, manufacture one half the quantity of cotton which Great Britain did in 1816! We possess three great advantages: first, the raw material; second, water-power instead of that of steam, generally used in England; and, third, the cheaper labor of females. In England, males spin with the mule and weave; in this country, women and girls spin with the throstle, and superintend the power-loom. And can there be any employment more appropriate? Who has not been delighted with contemplating the clock-work regularity of a large cotton manufactory? I have often visited them at Cincinnati and other places, and always with increased admiration. The women, separated from the other sex, work in apartments, large, airy, well warmed, and spacious. Neatly dressed, with ruddy complexions, and happy countenances, they watch the work before them, mend the broken threads, and replace the exhausted balls or broaches. At stated hours they are called to their meals, and go and return with light and cheerful step. At night they separate, and repair to their respective houses, under the care of a mother, guardian, or friend. "Six days shalt thou labor and do all that thou hast to do, but the seventh day is the sabbath of the Lord thy God." Accordingly, we behold them on that sacred day, assembled together in His temples, and in devotional attitudes and with pious countenances offering their prayers to heaven for all its blessings; of which it is not the least, that a system of policy has been adopted by their country, which admits of their obtaining a comfortable subsistence. Manufactures have brought into profitable employment a vast amount of female labor, which, without them, would be lost to the country.

In respect to woolens, every gentleman's own observation and experience will enable him to judge of the great reduction of price which has taken place in most of these articles, since the tariff of 1824. It would have

been still greater, but for the high duty on the raw material, imposed for the particular benefit of the farming interest. But, without going into particular details, I shall limit myself to inviting the attention of the Senate to a single article of general and necessary use. The protection given to flannels in 1828 was fully adequate. It has enabled the American manufacturer to obtain complete possession of the American market; and now let us look at the effect. I have before me a statement from a highly respectable mercantile house, showing the price of four descriptions of flannel during six years. The average price of them, in 1826, was thirty-eight cents and three quarters; in 1827, thirty-eight; in 1828 (the year of the tariff), forty-six; in 1829, thirty-six; in 1830 (not withstanding the advance in the price of wool), thirty-two; and in 1831, thirty-two and one quarter. These facts require no comments. I have before me another statement of a practical and respectable man, well versed in the flannel manufacture in America and England, demonstrating that the cost of manufacture is precisely the same in both countries; and that, although a yard of flannel which would sell in England at fifteen cents, would command here twenty-two, the difference of seven cents is the exact difference between the cost in the two countries, of the six ounces of wool contained in a yard of flannel.

Brown sugar, during ten years, from 1792 to 1802, with a duty of one and a half cents per pound, averaged fourteen cents per pound. The same article, during ten years, from 1820 to 1830, with a duty of three cents, has averaged only eight cents per pound. Nails, with a duty of five cents per pound, are selling at six cents. Window glass, eight by ten, prior to the tariff of 1824, sold at twelve or thirteen dollars per hundred feet; it now sells for three dollars seventy-five cents.

The gentleman from South Carolina, sensible of the incontestable fact of the very great reduction in the price of the necessaries of life, protected by the American system, has felt the full force of it, and has presented various explanations of the causes to which he ascribes it. The first is, the diminished production of the precious metals, in consequence of the distressed state of the countries in which they are extracted, and the consequent increase of their value, relative to that of the commodities for which they are exchanged. But, if this be the true cause of the reduction of price, its operation ought to have been general, on all objects, and of course upon cotton among the rest. And, in point of fact, the diminshed price of that staple is not greater than the diminution of the value of other staples of our agriculture. Flour, which commanded some years ago, ten or twelve dollars per barrel, is now sold for five. The fall of tobacco has been still more. The kite-foot of Maryland, which sold at from sixteen to twenty dollars per hundred, now produces only four or five. That of Virginia has sustained an equal decline. Beef, pork, every article almost produced by the farmer, has decreased in value. Ought not South Carolina, then, to submit quietly to a state of things which is general, and proceeds from an

uncontrollable cause? Ought she to ascribe to the "accursed" tariff, what results from the calamities of civil and foreign war, raging in many countries?

But, sir, I do not subscribe to this doctrine, implicitly. I do not believe that the diminished production of the precious metals, if that be the fact, satisfactorily accounts for the fall in prices; for I think that the augmentation of the currency of the world, by means of banks, public stocks, and other facilities arising out of exchange and credit, has more than supplied any deficiency in the amount of the precious metals.

It is further urged, that the restoration of peace in Europe, after the battle of Waterloo, and the consequent return to peaceful pursuits of large masses of its population, by greatly increasing the aggregate amount of effective labor, had a tendency to lower prices; and undoubtedly such ought to have its natural tendency. The same cause, however, must also have operated to reduce the price of our agricultural produce, for which there was no longer the same demand in peace as in war; and it did so operate. But its influence on the price of manufactured articles, between the general peace of Europe in 1815, and the adoption of our tariff in 1824, was less sensibly felt, because, perhaps, a much larger portion of the labor, liberated by the disbandment of armies, was absorbed by manufactures than by agriculture. It is also contended, that the invention and improvement of labor-saving machinery, have tended to lessen the prices of manufactured objects of consumption; and undoubtedly this cause has had some effect. Ought not America to contribute her quota of this cause, and has she not by her skill and extraordinary adaptation to the arts, in truth largely contributed to it?

This brings me to consider what I apprehend to have been the most efficient of all the causes in the reduction of the prices of manufactured articles, and that is COMPETITION. By competition, the total amount of the supply is increased, and by increase of the supply, a competition in the sale ensues, and this enables the consumer to buy at lower rates. Of all human powers operating on the affairs of mankind, none is greater than that of competition. It is action and reaction. It operates between individuals in the same nation, and between different nations. It resembles the meeting of the mountain torrent, grooving, by its precipitous motion, its own channel, and ocean's tide. Unopposed, it sweeps every thing before it; but, counterpoised, the waters become calm, safe, and regular. It is like the segments of a circle or an arch; taken separately, each is nothing; but in their combination they produce efficacy, symmetry, and perfection. By the American system this vast power has been excited in America, and brought into being to act in co-operation or collision with European industry. Europe acts within itself, and with America; and America acts within itself, and with Europe. The consequence is the reduction of prices in both hemispheres. Nor is it fair to argue from the reduction of prices in Europe, to her own presumed skill and labor ex-

clusively. We affect her prices, and she affects ours. This must always be the case, at least in reference to any articles as to which there is not a total non-intercourse; and if our industry, by diminishing the demand for her supplies, should produce a diminution in the price of those supplies, it would be very unfair to ascribe that reduction to her ingenuity, instead of placing it to the credit of our own skill and excited industry.

Practical men understand very well this state of the case, whether they do or do not comprehend the causes which produce it. I have in my possession a letter from a respectable merchant, well known to me, in which he says, after complaining of the operation of the tariff of 1828, on the articles to which it applies, some of which he had imported, and that his purchases having been made in England, before the passage of that tariff was known, it produced such an effect upon the English market, that the articles could not be resold without loss, he adds; "for it really appears that, when additional duties are laid upon an article, it then becomes lower instead of higher." This would not probably happen, where the supply of the foreign article did not exceed the home demand, unless upon the supposition of the increased duty having excited or stimulated the measure of the home production.

The great law of price is determined by supply and demand. Whatever affects either, affects the price. If the supply is increased, the demand remaining the same, the price declines; if the demand is increased, the supply remaining the same, the price advances; if both supply and demand are undiminished, the price is stationary, and the price is influenced exactly in proportion to the degree of disturbance to the demand or supply. It is, therefore, a great error to suppose that an existing or new duty necessarily becomes a component element to its exact amount of price. If the proportion of demand and supply are varied by the duty, either in augmenting the supply or diminishing the demand, or *vice versa*, price is affected to the extent of that variation. But the duty never becomes an integral part of the price, except in the instances where the demand and the supply remain after the duty is imposed, precisely what they were before, or the demand is increased, and the supply remains stationary.

Competition, therefore, wherever existing, whether at home or abroad, is the present cause of cheapness. If a high duty excites production at home, and the quantity of the domestic article exceeds the amount which had been previously imported, the price will fall. This accounts for an extraordinary fact stated by a senator from Missouri. Three cents were laid as a duty upon a pound of lead, by the act of 1828. The price at Galena, and the other lead mines, afterward fell to one and a half cents per pound. Now it is obvious that the duty did not, in this case, enter into the price; for it was twice the amount of the price. What produced the fall? It was stimulated production at home, excited by the temptation of the exclusive possession of the home market. This state of things could not last. Men

would not continue an unprofitable pursuit; some abandoned the business, or the total quantity produced was diminished, and living prices have been the consequence. But break down the domestic supply, place us again in a state of dependence on the foreign source, and can it be doubted that we should ultimately have to supply ourselves at dearer rates? It is not fair to credit the foreign market with the depression of prices produced there by the influence of our competition. Let the competition be withdrawn, and their prices would instantly rise. On this subject, great mistakes are committed. I have seen most erroneous reasoning in a late report of Mr. Lee, of the free-trade convention in regard to the article of sugar. He calculates the total amount of brown sugar produced in the world, and then states, that what is made in Louisiana is not more than two and a half per centum of that total. Although this data may be questioned, let us assume their truth, and what might be the result? Price being determined by the proportions of supply and demand, it is evident that when the supply exceeds the demand, the price will fall. And the fall is not always regulated by the amount of that excess. If the market at a given price, required five or fifty millions of hogsheads of sugar, a surplus of only a few hundred might materially influence the price, and diffuse itself throughout the whole mass. Add, therefore, the eighty or one hundred thousand hogsheads of Louisiana sugar to the entire mass produced in other parts of the world, and it can not be doubted that a material reduction of the price of the article, throughout Europe and America, would take place. The Louisiana sugar substituting foreign sugar in the home market, to the amount of its annual produce, would force an equal amount of foreign sugar into other markets, which being glutted, the price would necessarily decline, and this decline of price would press portions of the foreign sugar into competition in the United States with Louisiana sugar the price of which would also be brought down. The fact has been in exact conformity with this theory. But now let us suppose the Louisiana sugar to be entirely withdrawn from the general consumption, what then would happen? A new demand would be created in America for foreign sugar, to the extent of the eighty or one hundred thousand hogsheads made in Louisiana; a less amount by that quantity would be sent to the European markets, and the price would consequently everywhere rise. It is not, therefore, those who, by keeping on duties, keep down prices, that tax the people, but those who, by repealing duties, would raise prices, that really impose burdens upon the people.

But it is argued, that if, by the skill, experience, and perfection, which we have acquired in certain branches of manufacture, they can be made as cheap as similar articles abroad, and enter fairly into competition with them, why not repeal the duties as to those articles? And why should we? Assuming the truth of the supposition, the foreign article would not be introduced in the regular course of trade, but would remain excluded by the possession of the home market, which the domestic article had obtain-

ed. The repeal, therefore, would have no legitimate effect. But might not the foreign article be imported in vast quantities, to glut our markets, break down our establishments, and ultimately to enable the foreigner to monopolize the supply of our consumption? America is the greatest foreign market for European manufactures. It is that to which European attention is constantly directed. If a great house becomes bankrupt there, its store-houses are emptied, and the goods are shipped to America, where, in consequence of our auctions, and our custom-house credits, the greatest facilities are afforded in the sale of them. Combinations among manufacturers might take place, or even the operations of foreign governments might be directed to the destruction of our establishments. A repeal, therefore, of one protecting duty, from some one or all of these causes, would be followed by flooding the country with the foreign fabric, surcharging the market, reducing the price, and a complete prostration of our manufactories; after which the foreigner would leisurely look about to indemnify himself in the increased prices which he would be enabled to command by his monopoly of the supply of our consumption. What American citizen, after the government had displayed this vacillating policy, would be again tempted to place the smallest confidence in the public faith, and adventure once more in this branch of industry?

Gentlemen have allowed to the manufacturing portions of the community no peace; they have been constantly threatened with the overthrow of the American system. From the year 1820, if not from 1816, down to this time, they have been held in a condition of constant alarm and insecurity. Nothing is more prejudicial to the great interests of a nation than unsettled and varying policy. Although every appeal to the national legislature has been responded to in conformity with the wishes and sentiments of the great majority of the people, measures of protection have only been carried by such small majorities as to excite hopes on the one hand, and fears on the other. Let the country breathe, let its vast resources be developed, let its energies be fully put forth, let it have tranquillity, and my word for it, the degree of perfection in the arts which it will exhibit, will be greater than that which has been presented, astonishing as our progress has been. Although some branches of our manufactures might, and in foreign markets now do, fearlessly contend with similar foreign fabrics, there are many others yet in their infancy, struggling with the difficulties which encompass them. We should look at the whole system, and recollect that time, when we contemplate the great movements of a nation, is very different from the short period which is allotted for the duration of individual life. The honorable gentleman from South Carolina well and eloquently said, in 1824, "no great interest of any country ever yet grew up in a day; no new branch of industry can become firmly and profitably established but in a long course of years; every thing, indeed, great or good, is matured by slow degrees: that which attains a speedy maturity is of small value, and is destined to a brief existence. It

is the order of Providence, that powers gradually developed, shall alone attain permanency and perfection. Thus must it be with our national institutions, and national character itself."

I feel most sensibly, Mr. President, how much I have trespassed upon the Senate. My apology is a deep and deliberate conviction, that the great cause under debate involves the prosperity and the destiny of the Union. But the best requital I can make, for the friendly indulgence which has been extended to me by the Senate, and for which I shall ever retain sentiments of lasting gratitude, is to proceed with as little delay as practicable, to the conclusion of a discourse which has not been more tedious to the Senate than exhausting to me. I have now to consider the remaining of the two propositions which I have already announced. That is,

Second, that under the operation of the American system, the products of our agriculture command a higher price than they would do without it, by the creation of a home market; and by the augmentation of wealth produced by manufacturing industry, which enlarges our powers of consumption both of domestic and foreign articles. The importance of the home market is among the established maxims which are universally recognized by all writers and all men. However some may differ as to the relative advantages of the foreign and the home market, none deny to the latter great value and high consideration. It is nearer to us; beyond the control of foreign legislation; and undisturbed by those vicissitudes to which all international intercourse is more or less exposed. The most stupid are sensible of the benefit of a residence in the vicinity of a large manufactory, or of a market town, of a good road, or of a navigable stream, which connects their farms with some great capital. If the pursuits of all men were perfectly the same, although they would be in possession of the greatest abundance of the particular produce of their industry, they might, at the same time, be in extreme want of other necessary articles of human subsistence. The uniformity of the general occupation would preclude all exchanges, all commerce. It is only in the diversity of the vocations of the members of a community that the means can be found for those salutary exchanges which conduce to the general prosperity. And the greater that diversity, the more extensive and the more animating is the circle of exchange. Even if foreign markets were freely and widely open to the reception of our agricultural produce, from its bulky nature, and the distance of the interior, and the dangers of the ocean, large portions of it could never profitably reach the foreign market. But let us quit this field of theory, clear as it is, and look at the practical operation of the system of protection, beginning with the most valuable staple of our agriculture.

In considering this staple, the first circumstance that excites our surprise is the rapidity with which the amount of it has annually increased. Does not this fact, however, demonstrate that the cultivation of it could not have been so very unprofitable? If the business were ruinous, would more and more have annually engaged in it? The quantity in 1816, was eighty

one millions of pounds; in 1826, two hundred and four millions; and in 1830, nearly three hundred millions! The ground of greatest surprise is, that it has been able to sustain even its present price with such an enormous augmentation of quantity. It could not have been done but for the combined operation of three causes, by which the consumption of cotton fabrics has been greatly extended, in consequence of their reduced prices: first, competition; second, the improvement of labor-saving machinery; and thirdly, the low price of the raw material. The crop of 1819, amounting to eighty-eight millions of pounds, produced twenty-one millions of dollars; the crop of 1823, when the amount was swelled to one hundred and seventy-four millions (almost double that of 1819), produced a less sum by more than half a million of dollars; and the crop of 1824, amounting to thirty millions of pounds less than that of the preceding year, produced a million and a half of dollars more.

If there be any foundation for the established law of price, supply, and demand, ought not the fact of this great increase of the supply to account satisfactorily for the alleged low price of cotton? Is it necessary to look beyond that single fact to the tariff, to the diminished price of the mines furnishing the precious metals, or to any other cause for the solution? This subject is well understood in the South, and although I can not approve the practice which has been introduced of quoting authority, and still less the authority of newspapers, for favorite theories, I must ask permission of the Senate to read an article from a southern newspaper.

[Here Mr. Clay read an article from the Charleston Gazette.]

Let us suppose that the home demand for cotton, which has been created by the American system, were to cease, and that the two hundred thousand bales, which the home market now absorbs, were thrown into the glutted markets of foreign countries; would not the effect inevitably be to produce a further and great reduction in the price of the article? If there be any truth in the facts and principles which I have before stated and endeavored to illustrate, it can not be doubted that the existence of American manufactures has tended to increase the demand, and extend the consumption of raw material; and that, but for this increased demand, the price of the article would have fallen, possibly one half lower than it now is. The error of the opposite argument is, in assuming one thing, which being denied, the whole fails; that is, it assumes that the whole labor of the United States would be profitably employed without manufactures. Now the truth is, that the system excites and creates labor, and this labor creates wealth, and this new wealth communicates additional ability to consume, which acts on all the objects contributing to human comfort and enjoyment. The amount of cotton imported into the two ports of Boston and Providence alone during the last year (and it was imported exclusively for the home manufacture), was one hundred and nine thousand five hundred and seventeen bales.

On passing from that article to others of our agricultural productions, we shall find not less gratifying facts. The total quantity of flour imported into Boston, during the same year, was two hundred and eighty-four thousand five hundred and four barrels, and three thousand nine hundred and fifty-five half barrels; of which, there were from Virginia, Georgetown, and Alexandria, one hundred and fourteen thousand two hundred and twenty-two barrels; of Indian corn, six hundred and eighty-one thousand one hundred and thirty-one bushels; of oats, two hundred and thirty-nine thousand eight hundred and nine bushels; of rye, about fifty thousand bushels; and of shorts, thirty-three thousand four hundred and eighty-nine bushels; into the port of Providence, seventy-one thousand three hundred and sixty-nine barrels of flour; two hundred and sixteen thousand six hundred and sixty-two bushels of Indian corn, and seven thousand seven hundred and seventy-two bushels of rye. And there were discharged at the port of Philadelphia, four hundred and twenty thousand three hundred and fifty-three bushels of Indian corn; two hundred and one thousand eight hundred and seventy-eight bushels of wheat, and one hundred and ten thousand five hundred and fifty-seven bushels of rye and barley. There were slaughtered in Boston during the same year, 1831 (the only northern city from which I have obtained returns), thirty-three thousand nine hundred and twenty-two beef cattle; fifteen thousand and four hundred calves; eighty-four thousand four hundred and fifty-three sheep, and twenty-six thousand eight hundred and seventy-one swine. It is confidently believed, that there is not a less quantity of southern flour consumed at the North than eight hundred thousand barrels, a greater amount, probably, than is shipped to all the foreign markets of the world together.

What would be the condition of the farming country of the United States—of all that portion which lies north, east, and west of James river, including a large part of North Carolina—if a home market did not exist for this immense amount of agricultural produce? Without the market, where could it be sold? In foreign markets? If their restrictive laws did not exist, their capacity would not enable them to purchase and consume this vast addition to their present supplies, which must be thrown in, or thrown away, but for the home market. But their laws exclude us from their markets. I shall content myself by calling the attention of the Senate to Great Britain only. The duties in the ports of the United Kingdom on breadstuffs are prohibitory, except in times of dearth. On rice, the duty is fifteen shillings sterling per hundred weight, being more than one hundred per centum. On manufactured tobacco it is nine shillings sterling per pound, or about two thousand per centum. On leaf tobacco three shillings per pound, or one thousand two hundred per centum. On lumber, and some other articles, they are from four hundred to fifteen hundred per centum more than on similar articles imported from British colonies. In the British West Indies the duty on beef, pork, hams, and bacon, is twelve shillings sterling per hundred, more than one hundred per

centum on the first cost of beef and pork in the western States. And yet Great Britain is the power in whose behalf we are called upon to legislate, so that we may enable her to purchase our cotton!—Great Britain, that thinks only of herself in her own legislation! When have we experienced justice, much less favor, at her hands? When did she shape her legislation in reference to the interests of any foreign power? She is a great, opulent, and powerful nation; but haughty, arrogant, and supercilious; not more separated from the rest of the world by the sea that girts her island, than she is separated in feeling, sympathy, or friendly consideration of their welfare. Gentlemen, in supposing it impracticable that we should successfully compete with her in manufactures, do injustice to the skill and enterprise of their own country. Gallant as Great Britain undoubtedly is, we have gloriously contended with her, man to man, gun to gun, ship to ship, fleet to fleet, and army to army. And I have no doubt we are destined to achieve equal success in the more useful, if not nobler contest for superiority in the arts of civil life.

I could extend and dwell on the long list of articles—the hemp, iron, lead, coal, and other items—for which a demand is created in the home market by the operation of the American system; but I should exhaust the patience of the Senate. Where, where should we find a market for all these articles, if it did not exist at home? What would be the condition of the largest portion of our people, and of the territory, if this home market were annihilated? How could they be supplied with objects of prime necessity? What would not be the certain and inevitable decline in the price of all these articles, but for the home market? And allow me, Mr. President, to say, that of all the agricultural parts of the United States which are benefited by the operation of this system, none are equally so with those which border the Chesapeake bay, the lower parts of North Carolina, Virginia, and the two shores of Maryland. Their facilities of transportation, and proximity to the North, give them decided advantages.

But if all this reasoning were totally fallacious; if the price of manufactured articles were really higher, under the American system, than without it, I should still argue that high or low prices were themselves relative—relative to the ability to pay them. It is in vain to tempt, to tantalize us with the lower prices of European fabrics than our own, if we have nothing wherewith to purchase them. If, by the home exchanges, we can be supplied with necessary, even if they are dearer and worse, articles of American production than the foreign, it is better than not to be supplied at all. And how would the large portion of our country, which I have described, be supplied, but for the home exchanges? A poor people, destitute of wealth or of exchangeable commodities, has nothing to purchase foreign fabrics with. To them they are equally beyond their reach, whether their cost be a dollar or a guinea. It is in this view of the matter that Great Britain, by her vast wealth, her excited and protected industry, is enabled to bear a burden of taxation, which, when compared to

that of other nations, appears enormous, but which, when her immense riches are compared to theirs, is light and trival. The gentleman from South Carolina has drawn a lively and flattering picture of our coasts, bays, rivers, and harbors; and he argues that these proclaimed the design of Providence, that we should be a commercial people. I agree with him. We differ only as to the means. He would cherish the foreign, and neglect the internal trade. I would foster both. What is navigation without ships, or ships without cargoes? By penetrating the bosoms of our mountains, and extracting from them their precious treasures; by cultivating the earth, and securing a home market for its rich and abundant products; by employing the water with which we are blessed; by stimulating and protecting our native industry, in all its forms; we shall but nourish and promote the prosperity of commerce, foreign and domestic.

I have hitherto considered the question in reference only to a state of peace; but a season of war ought not to be entirely overlooked. We have enjoyed nearly twenty years of peace; but who can tell when the storm of war shall again break forth? Have we forgotton, so soon, the privations to which not merely our brave soldiers and our gallant tars were subjected, but the whole community, during the last war, for the want of absolute necessaries? To what an enormous price they rose! And how inadequate the supply was at any price! The statesman who justly elevates his views will look behind as well as forward, and at the existing state of things; and he will graduate the policy, which he recommends, to the probable exigences which may arise in the Republic. Taking this comprehensive range, it would be easy to show that the higher prices of peace, if prices were higher in peace, were more than compensated by the lower prices of war, during which, supplies of all essential articles are indispensable to its vigorous, effectual, and glorious prosecution. I conclude this part of the argument with the hope that my humble exertions have not been altogether unsuccessful in showing,

First, that the policy which we have been considering ought to continue to be regarded as the genuine American system.

Secondly, that the free trade system, which is proposed as its substitute, ought really to be considered as the British colonial system.

Thirdly, that the American system is beneficial to all parts of the Union, and absolutely necessary to much the larger portion.

Fourthly, that the price of the great staple of cotton, and of all our chief productions of agriculture, has been sustained and upheld, and a decline averted, by the protective system.

Fifthly, that if the foreign demand for cotton has been at all diminished by the operation of that system, the diminution has been more than compensated in the additional demand created at home.

Sixthly, that the constant tendency of the system, by creating competition among ourselves, and between American and European industry, reciprocally acting upon each other, is to reduce prices of manufactured objects

Seventhly, that in point of fact, objects within the scope of the policy of protection have greatly fallen in price.

Eighthly, that if, in a season of peace, these benefits are experienced, in a season of war, when the foreign supply might be cut off, they would be much more extensively felt.

Ninthly, and finally, that the substitution of the British colonial system for the American system, without benefiting any section of the Union, by subjecting us to a foreign legislation, regulated by foreign interests, would lead to the prostration of our manufactories, general impoverishment, and ultimate ruin.

And now, Mr. President, I have to make a few observations on a delicate subject, which I approach with all the respect that is due to its serious and grave nature. They have not, indeed, been rendered necessary by the speech from the gentleman from South Carolina, whose forbearance to notice the topic was commendable, as his argument throughout was characterized by an ability and dignity worthy of him, and of the Senate. The gentleman made one declaration, which might possibly be misinterpreted, and I submit to him whether an explanation of it be not proper. The declaration, as reported in his printed speech, is, "The instinct of self-interest might have taught us an easier way of relieving ourselves from this oppression. It wanted but the will to have supplied ourselves with every article embraced in the protective system, free of duty, without any other participation on our part than a simple consent to receive them."

[Here General Hayne rose and remarked that the passages which immediately preceded and followed the paragraph cited he thought plainly indicated his meaning, which related to evasion of the system, by illicit introduction of goods, which they were not disposed to countenance in South Carolina.]

I am happy to hear this explanation. But, sir, it is impossible to conceal from our view the facts, that there is a great excitement in South Carolina; that the protective system is openly and violently denounced in popular meetings; and that the Legislature itself has declared its purpose of resorting to counteracting measures, a suspension of which has only been submitted to, for the purpose of allowing Congress time to retrace its steps. With respect to this Union, Mr. President, the truth can not be too generally proclaimed, nor too strongly inculcated, that it is necessary to the whole and to all the parts—necessary to those parts, indeed, in different degrees, but vitally necessary to each—and that threats to disturb or dissolve it, coming from any of the parts, would be quite as indiscreet and improper as would be threats from the residue to exclude those parts from the pale of its benefits. The great principle which lies at the foundation of all free governments, is, that the majority must govern; from which there is or can be no appeal but to the sword. That majority ought to govern wisely, equitably, moderately, and constitutionally, but govern it must, subject only to that terrible appeal. If

ever one or several States, being a minority, can, by menacing a dissolution of the Union, succeed in forcing an abandonment of great measures, deemed essential to the interests and prosperity of the whole, the Union from that moment is practically gone. It may linger on, in form and name, but its vital spirit has fled forever! Entertaining these deliberate opinions, I would intreat the patriotic people of South Carolina—the land of Marion, Sumpter, and Pickens; of Rutledge, Laurens, the Pinckneys and Lowndeses; of living and present names, which I would mention if they were not living or present—to pause, solemnly pause! and contemplate the frightful precipice which lies directly before them. To retreat may be painful and mortifying to their gallantry and pride, but it is to retreat to the Union, to safety, and to those brethren with whom, or with whose ancestors, they, or their ancestors, have won, on fields of glory, imperishable renown. To advance, is to rush on certain and inevitable disgrace and destruction.

We have been told of deserted castles, of uninhabited halls, and of mansions, once the seats of opulence and hospitality, now abandoned and moldering in ruins. I never had the honor of being in South Carolina, but I have heard and read of the stories of its chivalry, and of its generous and open-hearted liberality. I have heard, too, of the struggles for power, between the lower and upper country. The same causes which existed in Virginia, with which I have been acquainted, I presume, have had their influence in Carolina. In whose hands now are the once proud seats of Westover Curl, Maycox, Shirley, and others, on James river, and in lower Virginia? Under the operation of laws, abolishing the principle of primogeniture, and providing the equitable rule of an equal distribution of estates, among those in equal degree of consanguinity, they have passed into other and stranger hands. Some of the descendants of illustrious families have gone to the far West, while others, lingering behind, have contrasted their present condition with that of their venerated ancestors. They behold themselves excluded from their fathers' houses, now in the hands of those who were once their fathers' overseers, or sinking into decay; their imaginations paint ancient renown, the fading honors of their name—glories gone by; too poor to live, too proud to work, too high-minded and honorable to resort to ignoble means of acquisition; brave, daring, chivalrous; what can be the cause of their present unhappy state? The "accursed" tariff presents itself to their excited imaginations, and they blindly rush into the ranks of those who, unfurling the banner of nullification, would place a State upon its sovereignty!

The danger to our Union does not lie on the side of persistence in the American system, but on that of its abandonment. If, as I have supposed and believe, the inhabitants of all north and east of James river, and all west of the mountains, including Louisiana, are deeply interested in the preservation of that system, would they be reconciled to its overthrow? Can it be expected that two thirds, if not three fourths, of the people of

the United States, would consent to the destruction of a policy, believed to be indispensably necessary to their prosperity? When, too, the sacrifice is made at the instance of a single interest, which they verily believe will not be promoted by it? In estimating the degree of peril which may be incident to two opposite courses of human policy, the statesman would be short-sighted who should content himself with viewing only the evils, real or imaginary, which belong to that course which is in practical operation. He should lift himself up to the contemplation of those greater and more certain dangers which might inevitably attend the adoption of the alternative course. What would be the condition of this Union, if Pennsylvania and New York, those mammoth members of our confederacy, were firmly persuaded that their industry was paralyzed, and their prosperity blighted, by the enforcement of the British colonial system, under the delusive name of free trade? They are now tranquil, and happy, and contented, conscious of their welfare, and feeling a salutary and rapid circulation of the products of home manufactures and home industry, throughout all their great arteries. But let that be checked, let them feel that a foreign system is to predominate, and the sources of their subsistence and comfort dried up; let New England and the West, and the middle States, all feel that they too are the victims of a mistaken policy, and let these vast portions of our country despair of any favorable change, and then indeed might we tremble for the continuance and safety of this Union.

And need I remind you, sir, that this dereliction of the duty of protecting our domestic industry, and abandonment of it to the fate of foreign legislation, would be directly at war with leading considerations which prompted the adoption of the present Constitution? The States respectively surrendered to the general government the whole power of laying imposts on foreign goods. They stripped themselves of all power to protect their own manufactures, by the most efficacious means of encouragement—the imposition of duties on rival foreign fabrics. Did they create that great trust, did they voluntarily subject themselves to this self-restriction, that the power should remain in the federal government inactive, unexecuted, and lifeless? Mr. Madison, at the commencement of the government, told you otherwise. In discussing at that early period this very subject, he declared that a failure to exercise this power would be a "fraud" upon the northern States, to which may now be added the middle and western States.

[Governor Miller asked to what expression of Mr. Madison's opinion Mr. Clay referred; and Mr. Clay replied, his opinion, expressed in the House of Representatives in 1789, as reported in Lloyd's Congressional Debates.]

Gentlemen are greatly deceived as to the hold which this system has on the affections of the people of the United States. They represent that it is the policy of New England, and that she is most benefited by it. If there be any part of this Union which has been most steady, most unani-

mous, and most determined in its support, it is Pennsylvania. Why is not that powerful State attacked? Why pass her over, and aim the blow at New England? New England came reluctantly into the policy. In 1824, a majority of her delegation was opposed to it. From the largest State of New England there was but a solitary vote in favor of the bill. That enterprising people can readily accommodate their industry to any policy, provided it be settled. They supposed this was fixed, and they submitted to the decrees of government. And the progress of public opinion has kept pace with the developments of the benefits of the system. Now, all New England, at least in this House (with the exception of one small still voice), is in favor of the system. In 1824, all Maryland was against it; now the majority is for it. Then, Louisiana, with one exception, was opposed to it; now, without any exception, she is in favor of it. The march of public sentiment is to the South. Virginia will be the next convert; and in less than seven years, if there be no obstacles from political causes, or prejudices industriously instilled, the majority of eastern Virginia will be, as the majority of western Virginia now is, in favor of the American system. North Carolina will follow later, but not less certainly. Eastern Tennessee is now in favor of the system. And, finally, its doctrines will pervade the whole Union, and the wonder will be, that they ever should have been opposed.

I have now to proceed to notice some objections which have been urged against the resolution under consideration. With respect to the amendment which the gentleman from South Carolina has offered, as he has intimated his purpose to modify it, I shall forbear for the present to comment upon it. It is contended that the resolution proposes the repeal of duties on luxuries, leaving those on necessaries to remain, and that it will, therefore, relieve the rich without lessening the burden of the poor. And the gentleman from South Carolina has carefully selected, for ludicrous effect, a number of the unprotected articles, cosmetics, perfumes, oranges, and so forth. I must say, that this exhibition of the gentleman is not in keeping with the candor which he has generally displayed; that he knows very well that the duties upon these articles are trifling, and that it is of little consequence whether they are repealed or retained. Both systems, the American and the foreign, comprehend some articles which may be deemed luxuries. The Senate knows that the unprotected articles which yield the principal part of the revenue, with which this measure would dispense, are coffee, tea, spices, wines, and silks. Of all these articles, wines and silks alone can be pronounced to be luxuries; and as to wines, we have already ratified a treaty, not yet promulgated, by which the duties on them are to be considerably reduced. If the universality of the use of objects of consumption determines their classification, coffee, tea, and spices, in the present condition of civilized society, may be considered necessaries. Even if they were luxuries, why should not the poor, by cheapening their prices, if that can be effected, be allowed to use them? Why

should not a poor man be allowed to tie a silk handkerchief on his neck, occasionally regale himself with a glass of cheap French wine, or present his wife or daughter with a silk gown, to be worn on Sabbath or gala days? I am quite sure that I do not misconstrue the feelings of the gentleman's heart, in supposing that he would be happy to see the poor as well as the rich moderately indulging themselves in those innocent gratifications. For one, I am delighted to see the condition of the poor attracting the consideration of the opponents of the tariff. It is for the great body of the people, and especially for the poor, that I have ever supported the American system. It affords them profitable employment, and supplies the means of comfortable subsistence. It secures to them, certainly, necessaries of life, manufactured at home, and at places within their reach, and enables them to acquire a reasonable share of foreign luxuries; while the system of gentlemen promises them necessaries made in foreign countries, and which are beyond their power, and denies to them luxuries, which they would possess no means to purchase.

The constant complaint of South Carolina against the tariff, is, that it checks importations, and disables foreign powers from purchasing the agricultural productions of the United States. The effect of the resolution will be to increase importations, not so much, it is true, from Great Britain, as from the other powers, but not the less acceptable on that account. It is a misfortune that so large a portion of our foreign commerce concentrates in one nation; it subjects us too much to the legislation and the policy of that nation, and exposes us to the influence of her numerous agents, factors, and merchants. And it is not among the smallest recommendations of the measure before the Senate, that its tendency will be to expand our commerce with France, our great revolutionary ally, the land of our Lafayette. There is much greater probability also of an enlargement of the present demand for cotton in France than in Great Britain. France engaged later in the manufacture of cotton, and has made, therefore, less progress. She has, moreover, no colonies producing the article in abundance, whose industry she might be tempted to encourage.

The honorable gentleman from Maryland (General Smith), by his reply to a speech which, on the opening of the subject of this resolution, I had occasion to make, has rendered it necessary that I should take some notice of his observations. The honorable gentleman stated that he had been accused of partiality to the manufacturing interest. Never was there a more groundless and malicious charge preferred against a calumniated man. Since this question has been agitated in the public councils, although I have often heard from him professions of attachment to this branch of industry, I have never known any member a more uniform, determined, and uncompromising opponent of them, than the honorable senator has invariably been. And if, hereafter, the calumny should be repeated, of his friendship to the American system, I shall be ready to furnish to him, in the most solemn manner, my testimony to his innocence. The honorable

gentleman supposed that I had advanced the idea that the permanent revenue of this country should be fixed at eighteen millions of dollars. Certainly I had no intention to announce such an opinion, nor do my expressions, fairly interpreted, imply it. I stated, on the occasion referred to, that, estimating the ordinary revenue of the country at twenty-five millions, and the amount of the duties on the unprotected articles proposed to be repealed by the resolution at seven millions, the latter sum taken from the former would leave eighteen. But I did not intimate any belief that the revenue of the country ought, for the future, to be permanently fixed at that or any other precise sum. I stated that, after having effected so great a reduction, we might pause, cautiously survey the whole ground, and deliberately determine upon other measures of reduction, some of which I indicated. And I now say, Preserve the protective system in full vigor; give us the proceeds of the public domain for internal improvements, or, if you please, partly for that object, and partly for the removal of the free blacks, with their own consent, from the United States; and for one, I have no objection to the reduction of the public revenue to fifteen, to thirteen, or even to nine millions of dollars.

In regard to the scheme of the Secretary of the Treasury for paying off the whole of the remaining public debt by the 4th of March, 1833, including the three per centum, and for that purpose selling the bank stock, I had remarked that, with the exception of the three per centum, there were not more than about four millions of dollars of the debt due and payable within this year; that to meet this, the secretary had stated in his annual report, that the treasury would have, from the receipts of this year, fourteen millions of dollars, applicable to the principal of the debt; that I did not perceive any urgency for paying off the three per centum by the precise day suggested; and that there was no necessity, according to the plans of the Treasury, assuming them to be expedient and proper, to postpone the repeal of the duties on unprotected articles. The gentleman from Maryland imputed to me ignorance of the act of the 24th of April, 1830, according to which, in his opinion, the secretary was obliged to purchase the three per centum. On what ground the senator supposed I was ignorant of that act, he has not stated. Although when it passed I was at Ashland, I assure him that I was not there altogether uninformed of what was passing in the world. I regularly received the Register of my excellent friend (Mr. Niles), published in Baltimore, the National Intelligencer, and other papers. There are two errors to which gentlemen are sometimes liable; one is to magnify the amount of knowledge which they possess themselves, and the second is to depreciate that which others have acquired. And will the gentleman from Maryland excuse me for thinking that no man is more prone to commit both errors than himself? I will not say that he is ignorant of the true meaning of the act of 1830, but I certainly place a different construction upon it from what he does. It does not oblige the Secretary of the Treasury, or rather the commissioners of

the sinking-fund, to apply the surplus of any year to the purchase of the three per centum stock particularly, but leaves them at liberty "to apply such surplus to the purchase of any portion of the public debt at such rates as, in their opinion, may be advantageous to the United States." This vests a discretionary authority, to be exercised under official responsibility. And if any Secretary of the Treasury, when he had the option of purchasing a portion of the debt, bearing a higher rate of interest at par or about par, were to execute the act by purchasing the three per centums at their present price, he would merit impeachment. Undoubtedly a state of fact may exist, such as there being no public debt remaining to be paid but the three per centum stock, with a surplus in the Treasury, idle and unproductive, in which it might be expedient to apply that surplus to the reimbursement of the three per centums. But while the interest of money is at a greater rate than three per centum, it would not, I think, be wise to produce an accumulation of public treasure for such a purpose. The postponement of any reduction of the amount of the revenue at this session must, however, give rise to that very accumulation; and it is, therefore, that I can not perceive the utility of the postponement.

We are told by the gentleman from Maryland, that offers have been made to the Secretary of the Treasury to exchange three per centums, at their market price of ninety-six per centum, for the bank stock of the government at his market price, which is about one hundred and twenty-six, and he thinks it would be wise to accept them. If the charter of the bank is renewed that stock will be probably worth much more than its present price; if not renewed, much less. Would it be fair in government, while the question is pending and undecided, to make such an exchange? The difference in value between a stock bearing three per centum and one bearing seven per centum must be really much greater than the difference between ninety-six and one hundred and twenty-six per centum. Supposing them to be perpetual annuities, the one would be worth more than twice the value of the other. But my objection to the treasury plan is, that it is not necessary to execute it—to continue these duties as the secretary proposes. The secretary has a debt of twenty-four millions to pay; he has from the accruing receipts of this year fourteen millions, and we are now told by the senator from Maryland, that this sum of fourteen millions is exclusive of any of the duties accruing this year. He proposes to raise eight millions by the sale of the bank stock, and to anticipate from the revenue receivable next year, two millions more. These three items, then, of fourteen millions, eight millions, and two millions, make up the sum required, of twenty-four millions, without the aid of the duties to which the resolution relates.

The gentleman from Maryland insists that the general government has been liberal toward the West in its appropriations of public lands for internal improvements; and, as to fortifications, he contends that the expenditures near the mouth of the Mississippi are for its especial benefit.

The appropriations of land to the States of Ohio, Indiana, Illinois, and Alabama, have been liberal; but it is not to be overlooked, that the general government is itself the greatest proprietor of land, and that a tendency of the improvements, which these appropriations were to effect, is to increase the value of the unsold public domain. The erection of the fortifications for the defense of Louisiana was highly proper; but the gentleman might as well place to the account of the West, the disbursement for the fortifications intended to defend Baltimore, Philadelphia, and New York, to all which capitals western produce is sent, and in the security of all of which the western people feel a lively interest. They do not object to expenditures for the army, for the navy, for fortifications, or for any other offensive or commercial object on the Atlantic, but they do think that their condition ought also to receive friendly attention from the general government. With respect to the State of Kentucky, not one cent of money, or one acre of land has been applied to any object of internal improvement within her limits. The subscription to the stock of the canal at Louisville was for an object in which many States were interested. The senator from Maryland complains that he has been unable to attain any aid for the railroad which the enterprise of Baltimore has projected, and in part executed. That was a great work, the conception of which was bold, and highly honorable, and it deserves national encouragement. But how has the committee of roads and canals, at this session, been constituted? The senator from Maryland possessed a brief authority to organize it, and, if I am not misinformed, a majority of the members composing it, appointed by him, are opposed both to the constitutionality of the power, and the expediency of exercising it.

And now, sir, I would address a few words to the friends of the American system in the Senate. The revenue must, ought to be, reduced. The country will not, after by the payment of the public debt ten or twelve millions of dollars become unnecessary, bear such an annual surplus. Its distribution would form a subject of perpetual contention. Some of the opponents of the system understand the stratagem by which to attack it, and are shaping their course accordingly. It is to crush the system by the accumulation of revenue, and by the effort to persuade the people that they are unnecessarily taxed, while those would really tax them who would break up the native sources of supply, and render them dependent upon the foreign. But the revenue ought to be reduced, so as to accommodate it to the fact of the payment of the public debt. And the alternative is, or may be, to preserve the protecting system, and repeal the duties on the unprotected articles, or to preserve the duties on unprotected articles, and endanger, if not destroy, the system. Let us then adopt the measure before us, which will benefit all classes—the farmer, the professional man, the merchant, the manufacturer, the mechanic; and the cotton planter more than all. A few months ago there was no diversity of opinion as to the expediency of this measure. All, then, seemed to unite in the selection of

these objects for a repeal of duties which were not produced within the country. Such a repeal did not touch our domestic industry, violated no principle, offended no prejudice.

Can we not all, whatever may be our favorite theories, cordially unite on this neutral ground? When that is occupied, let us look beyond it, and see if any thing can be done in the field of protection, to modify, to improve it, or to satisfy those who are opposed to the system. Our southern brethren believe that it is injurious to them, and ask its repeal. We believe that its abandonment will be prejudicial to them, and ruinous to every other section of the Union. However strong their convictions may be, they are not stronger than ours. Between the points of the preservation of the system and its absolute repeal, there is no principle of union. If it can be shown to operate immoderately on any quarter; if the measure of protection to any article can be demonstrated to be undue and inordinate, it would be the duty of Congress to interpose and apply a remedy. And none will co-operate more heartily than I shall in the performance of that duty. It is quite probable that beneficial modifications of the system may be made without impairing its efficacy. But to make it fulfill the purposes of its institution, the measure of protection ought to be adequate. If it be not, all interests will be injuriously affected. The manufacturer, crippled in his exertions, will produce less perfect and dearer fabrics, and the consumer will feel the consequence. This is the spirit, and these are the principles only, on which it seems to me that a settlement of the great question can be made, satisfactorily to all parts of our Union.

ON THE PUBLIC LANDS

IN SENATE, JUNE 20, 1832.

[It was truly unfortunate for the country that some of Mr. Clay's most beneficent schemes for the public good, should have been frustrated by a jealousy of his fame and influence. This was especially true in the result of his long-protracted endeavor to secure an equitable distribution of the proceeds of the sale of the public domain among the States. This immense property was pledged for the public debt; but when the national debt was about being paid off, the question arose, What should be done with the proceeds of the sale of the public lands? In a message to the Twenty-second Congress, General Jackson recommended, that the unsold public lands, lying within any of the States, should be ceded to those States—a policy which, of course, if adopted, would apply to all new States, as they should come into the Union, and which would naturally engender a wild speculation in the settlement of new territories with that view. Nothing could be more unjust to the old thirteen States than this proposal, for it was chiefly at the expense of the Old Thirteen—expense of blood and treasure—that the public domain was acquired. But General Jackson wished to throw out a sop to the new States, where much of his strength lay; and knowing that Mr. Clay's policy was equal justice to all the States, he rushed into the opposite extreme, apparently for no other reason than to oppose Mr. Clay. The Jackson party, being a majority in the Senate, referred the subject of public lands to the committee on manufactures, of which Mr. Clay was chairman. This, in itself, requires explanation, since the subject naturally belonged to the committee on public lands. Jackson and Clay were both candidates for the presidency, and the Jackson party in the Senate wished to get a report from Mr. Clay on the public lands, which would injure him in the West. Hence the absurd reference of the subject to the committee on manufactures. Mr. Clay, however, as chairman of that committee,

took up the subject, and made a report, which was a perfect disappointment to those who meant to put him in an embarrassing position, and greatly increased his popularity throughout the country. Chagrined by this result, the Senate immediately referred the subject—where it ought to have gone at first, but where it was very improper to send it now—to the committee on public lands. But Mr. Clay's report was the only thing thereafter which could be entertained, in Congress or in the country. It was afterwards passed by both Houses of Congress, and vetoed by General Jackson. With the exception of the loan act, here the subject lay, till a Whig Congress came in with General Harrison, in 1841, when Mr. Clay again brought forward his land bill, which was passed by Congress, in a modified form, adapted to the time. But it was too late to carry out the beneficent plan, which was frustrated by General Jackson's veto. A fair distribution of the proceeds of the public lands among the States would have afforded them great facilities for internal improvement.]

In rising to address the Senate, I owe, in the first place, the expression of my hearty thanks to the majority, by whose vote, just given, I am indulged in occupying the floor on this most important question. I am happy to see that the days when the sedition acts and gag laws were in force, and when screws were applied for the suppression of the freedom of speech and debate, are not yet to return; and that, when the consideration of a great question has been specially assigned to a particular day, it is not allowed to be arrested and thrust aside by any unexpected and unprecedented parliamentary maneuver. The decision of the majority demonstrates that feelings of liberality, and courtesy, and kindness, still prevail in the Senate; and that they will be extended even to one of the humblest members of the body; for such, I assure the Senate, I feel myself to be.

It may not be amiss again to allude to the extraordinary reference of the subject of the public lands to the committee on manufactures. I have nothing to do with the motives of honorable senators who composed the majority by which that reference was ordered. The decorum proper in this hall obliges me to consider their motives to have been pure and patriotic. But still I must be permitted to regard the proceeding as very unusual. The Senate has a standing committee on the public lands, appointed under long-established rules. The members of that committee are presumed to be well acquainted with the subject; they have some of them occupied the same station for many years, are well versed in the whole legislation on the public lands, and familiar with every branch of it; and four out of five of them come from the new States. Yet, with a full knowledge of all these circumstances, a reference was ordered by a major

ity of the Senate to the committee on manufactures—a committee than which there is not another standing committee of the Senate, whose prescribed duties are more incongruous with the public domain. It happened, in the constitution of the committee of manufactures, that there was not a solitary senator from the new States, and but one from any western State. We earnestly protested against the reference, and insisted upon its impropriety; but we were overruled by the majority, including a majority of senators from the new States. I will not attempt an expression of the feelings excited in my mind on that occasion. Whatever may have been the intention of honorable senators, I could not be insensible to the embarrassment in which the committee on manufactures was placed, and especially myself. Although any other member of that committee could have rendered himself, with appropriate researches and proper time, more competent than I was to understand the subject of the public lands, it was known that, from my local position, I alone was supposed to have any particular knowledge of them. Whatever emanated from the committee was likely, therefore, to be ascribed to me. If the committee should propose a measure of great liberality toward the new States, the old States might complain. If the measure should seem to lean toward the old States, the new might be dissatisfied. And if it inclined to neither class of States, but recommended a plan according to which there would be distributed impartial justice among all the States, it was far from certain that any would be pleased.

Without venturing to attribute to honorable senators the purpose of producing this personal embarrassment, I felt it as a necessary consequence of their act, just as much as if it had been in their contemplation. Nevertheless, the committee of manufactures cheerfully entered upon the duty which, against its will, was thus assigned to it by the Senate. And for the causes already noticed, that of preparing a report and suggesting some measure embracing the whole subject, devolved in the committee upon me. The general features of our land system were strongly impressed on my memory; but I found it necessary to re-examine some of the treaties, deeds of cession, and laws, which related to the acquisition and administration of the public lands; and then to think of, and, if possible, strike out some project, which without inflicting injury upon any of the States, might deal equally and justly with all of them. The report and bill submitted to the Senate, after having been previously sanctioned by a majority of the committee, were the results of this consideration. The report, with the exception of the principle of distribution which concludes it, obtained the unanimous concurrence of the committee on manufactures.

This report and bill were hardly read in the Senate before they were violently denounced. And they were not considered by the Senate before a proposition was made to refer the report to that very committee on the public lands to which, in the first instance, I contended the subject ought ve been assigned. It was in vain that we remonstrated against such

a proceeding, as unprecedented, as implying unmerited censure on the committee on manufactures, as leading to interminable references; for what more reason could there be to refer the report of the committee on manufactures to the land committee, than would exist for a subsequent reference of the report of this committee, when made, to some third committee, and so in an endless circle? In spite of all our remonstrances, the same majority, with but little if any variation, which had originally resolved to refer the subject to the committee on manufactures, now determined to commit its bill to the land committee. And this not only without particular examination into the merits of that bill, but without the avowal of any specific amendment which was deemed necessary! The committee on public lands, after the lapse of some days, presented a report, and recommended a reduction of the price of the public lands immediately to one dollar per acre, and eventually to fifty cents per acre; and the grant to the new States of fifteen per centum on the net proceeds of the sales, instead of ten, as proposed by the committee on manufactures, and nothing to the old States.

And now, Mr. President, I desire at this time, to make a few observations in illustration of the original report; to supply some omissions in its composition; to say something as to the power and rights of the general government over the public domain; to submit a few remarks on the counter report; and to examine the assumptions which it contained, and the principles on which it was founded.

No subject which had presented itself to the present, or perhaps any preceding Congress, was of greater magnitude than that of the public lands. There was another, indeed, which possessed a more exciting and absorbing interest; but the excitement was happily but temporary in its nature. Long after we shall cease to be agitated by the tariff, ages after our manufactures shall have acquired a stability and perfection which will enable them successfully to cope with the manufactures of any other country, the public lands will remain a subject of deep and enduring interest. In whatever view we contemplate them, there is no question of such vast importance. As to their extent, there is public land enough to found an empire; stretching across the immense continent, from the Atlantic to the Pacific ocean, from the Gulf of Mexico to the north-western lakes, the quantity, according to official surveys and estimates, amounting to the prodigious sum of one billion and eighty millions of acres! As to the duration of the interest regarded as a source of comfort to our people, and of public income—during the past year, when the greatest quantity was sold that ever, in one year, had been previously sold, it amounted to less than three millions of acres, producing three millions and a half of dollars. Assuming that year as affording the standard rate at which the lands will be annually sold, it would require three hundred years to dispose of them. But the sales will probably be accelerated from increased population, and other causes. We may safely,

however, anticipate that long, if not centuries after the present day, the representatives of our children's children may be deliberating in the halls of Congress, on laws relating to the public lands.

The subject, in other points of view, challenged the fullest attention of an American statesman. If there were any one circumstance more than all others which distinguished our happy condition from that of the nations of the old world, it was the possession of this vast national property, and the resources which it afforded to our people and our government. No European nation (possibly with the exception of Russia), commanded such an ample resource. With respect to the other republics of this continent, we have no information that any of them have yet adopted a regular system of previous survey and subsequent sale of their wild lands, in convenient tracts, well defined, and adapted to the wants of all. On the contrary, the probability is, that they adhere to the ruinous and mad system of old Spain, according to which large unsurveyed districts are granted to favorite individuals, prejudicial to them, who often sink under the incumbrance, and die in poverty, while the regular current of emigration is checked and diverted from its legitimate channels.

And if there be in the operations of this government one which more than any other displays consummate wisdom and statesmanship, it is that system by which the public lands have been so successfully administered. We should pause, solemnly pause, before we subvert it. We should touch it hesitatingly, and with the gentlest hand. The prudent management of the public lands, in the hands of the general government, will be more manifest by contrasting it with that of several of the States, which had the disposal of large bodies of waste lands. Virginia possessed an ample domain west of the mountains, and in the present State of Kentucky, over and above her munificent cession to the general government. Pressed for pecuniary means by the revolutionary war, she brought her wild lands, during its progress, into market, receiving payment in paper money. There was no previous surveys of the waste lands; no townships, no sections, no official definition or description of tracts. Each purchaser made his own location, describing the land bought as he thought proper. These locations or descriptions were often vague and uncertain. The consequence was, that the same tract was not unfrequently entered at various times by different purchasers, so as to be literally shingled over with conflicting claims. The State perhaps sold in this way much more land than it was entitled to, but then it received nothing in return that was valuable; while the purchasers, in consequence of the clashing and interference between their rights, were exposed to tedious, vexatious, and ruinous litigation. Kentucky suffered long and severely from this cause; and is just emerging from the troubles brought upon her by improvident land legislation. Western Virginia has also suffered greatly, though not to the same extent.

The State of Georgia had large bodies of waste lands, which she disposed

of in a manner satisfactory, no doubt to herself, but astonishing to every one out of that commonwealth. According to her system, waste lands are distributed in lotteries, among the people of the State, in conformity with the enactments of the Legislature. And when one district of country is disposed of, as there are many who do not draw prizes, the unsuccessful call out for fresh distributions. These are made from time to time, as lands are acquired from the Indians; and hence one of the causes of the avidity with which the Indian lands are sought. It is manifest that neither the present generation, nor posterity, can derive much advantage from this mode of alienating public lands. On the contrary, I should think, it can not fail to engender speculation and a spirit of gambling.

The State of Kentucky, in virtue of a compact with Virginia, acquired a right to a quantity of public lands south of Green river. Neglecting to profit by the example of the parent State, she did not order the country to be surveyed previous to its being offered to purchasers. Seduced by some of those wild land projects, of which at all times there have been some afloat, and which, hitherto, the general government alone has firmly resisted, she was tempted to offer her waste land to settlers, at different prices, under the name of head-rights or pre-emptions. As the laws, like most legislation upon such subjects, were somewhat loosely worded, the keen eye of the speculator soon discerned the defects, and he took advantage of them. Instances had occurred of masters obtaining certificates of head-rights in the name of their slaves, and thus securing the land, in contravention of the intention of the Legislature. Slaves, generally, have but one name, being called Tom, Jack, Dick, or Harry. To conceal the fraud, the owner would add Black, or some other cognomination, so that the certificate would read, Tom Black, Jack Black, and so forth. The gentleman from Tennessee (Mr. Grundy), will remember, some twenty-odd years ago, when we were both members of the Kentucky Legislature, that I took occasion to animadvert upon these fraudulent practices, and observed, that when the names came to be alphabeted, the truth would be told, whatever might be the language of the record; for the alphabet would read Black Tom, Black Harry, and so forth. Kentucky realized more in her treasury than the parent State had done, considering that she had but a remnant of public lands, and she added somewhat to her population. But they were far less available than they would have been under a system of previous survey and regular sale.

These observations, in respect to the course of the respectable States referred to, in relation to their public lands, are not prompted by any unkind feelings toward them, but to show the superiority of the land system of the United States.

Under the system of the general government, the wisdom of which, in some respects, is admitted, even by the report of the land committee, the country subject to its operation, beyond the Alleghany mountains, has rap-

idly advanced in population, improvement, and prosperity. The example of the State on Ohio was emphatically relied on by the report of the committee of manufactures—its million of people, its canals, and other improvements, its flourishing towns, its highly-cultivated fields, all put there within less than forty years. To weaken the force of this example, the land committee deny that the population of the State is principally settled upon public lands derived from the general government. But, Mr. President, with great deference to that committee, I must say, that it labors under misapprehension. Three fourths, if not four fifths of the population of that State, are settled upon public lands purchased from the United States, and they are the most flourishing parts of the State. For the correctness of this statement, I appeal to my friend from Ohio (Mr. Ewing), near me. He knows, as well as I do, that the rich valleys of the Miami of Ohio, and the Maumee of the Lake, the Sciota and the Muskingum, are principally settled by persons deriving titles to their land from the United States.

In a national point of view, one of the greatest advantages which these public lands in the West, and this system of settling them, affords, is the resource which they possess against pressure and want, in other parts of the Union, from the vocations of society being too closely filled, and too much crowded. They constantly tend to sustain the price of labor, by the opportunity which they offer, of the acquisition of fertile land at a moderate price, and the consequent temptation to emigrate from those parts of the Union where labor may be badly rewarded.

The progress of settlement, and the improvement in the fortunes and condition of individuals, under the operation of this beneficent system, are as simple as they are manifest. Pioneers of a more adventurous character, advancing before the tide of emigration, penetrate into the uninhabited regions of the West. They apply the axe to the forest, which falls before them, or the plow to the prairie, deeply sinking its share in the unbroken wild grasses in which it abounds. They build houses, plant orchards, enclose fields, cultivate the earth, and rear up families around them. Meantime, the tide of emigration flows upon them, their improved farms rise in value, a demand for them takes place, they sell to the new comers, at a great advance, and proceed further west, with ample means to purchase from government, at reasonable prices, sufficient land for all the members of their families. Another and another tide succeeds, the first pushing on westwardly the previous settlers, who, in their turn, sell out their farms, constantly augmenting in price, until they arrive at a fixed and stationary value. In this way thousands, and tens of thousands, are daily improving their circumstances, and bettering their condition. I have often witnessed this gratifying progress. On the same farm you may sometimes behold, standing together, the first rude cabin of round and unhewn logs, and wooden chimneys, the hewed log house, chinked and shingled, with stone or brick chimneys, and, lastly, the comfortable brick or stone dwelling,

each denoting the different occupants of the farm, or the several stages of the condition of the same occupant. What other nation can boast of such an outlet for its increasing population, such bountiful means of promoting their prosperity, and securing their independence?

To the public lands of the United States, and especially to the existing system by which they are distributed with so much regularity and equity, are we indebted for these signal benefits in our national condition. And every consideration of duty, to ourselves, and to posterity, enjoins that we should abstain from the adoption of any wild project that would cast away this vast national property, holden by the general government in sacred trust for the whole people of the United States, and forbids that we should rashly touch a system which has been so successfully tested by experience

It has been only within a few years, that restless men have thrown before the public their visionary plans for squandering the public domain. With the existing laws, the great State of the west is satisfied and contented. She has felt their benefit, and grown great and powerful under their sway. She knows and testifies to the liberality of the general government, in the administration of the public lands, extended alike to her and to the other new States. There are no petitions from, no movements in Ohio, proposing vital and radical changes in the system. During the long period, in the House of Representatives, and in the Senate, that her upright and unambitious citizen, the first representative of that State, and afterward successively senator and governor, presided over the committee on public lands, we heard of none of these chimerical schemes. All went on smoothly, and quietly, and safely. No man, in the sphere within which he acted, ever commanded or deserved the implicit confidence of Congress, more than Jeremiah Morrow. There existed a perfect persuasion of his entire impartiality and justice between the old States and the new. A few artless but sensible words, pronounced in his plain Scotch-Irish dialect, were always sufficient to insure the passage of any bill or resolution which he reported. For about twenty-five years, there was no essential change in the system; and that which was at last made, varying the price of the public lands from two dollars, at which it had all that time remained, to one dollar and a quarter, at which it has been fixed only about ten or twelve years, was founded mainly on the consideration of abolishing the previous credits.

Assuming the duplication of our population in terms of twenty-five years, the demand for waste land, at the end of every term, will at least be double what it was at the commencement. But the ratio of the increased demand will be much greater than the increase of the whole population of the United States, because the western States nearest to, or including the public lands, populate much more rapidly than other parts of the Union; and it will be from them that the greatest current of emigration will flow. At this moment, Ohio, Kentucky, and Tennessee, are the most migrating States in the Union.

To supply the constantly-augmenting demand, the policy, which has hitherto characterized the general government, has been highly liberal both toward individuals and the new States. Large tracts, far surpassing the demand of purchasers, in every climate and situation, adapted to the wants of all parts of the Union, are brought into market at moderate prices, the government having sustained all the expense of the original purchase, and of surveying, marking, and dividing the land. For fifty dollars any poor man may purchase forty acres of first-rate land; and, for less than the wages of one year's labor, he may buy eighty acres. To the new States, also, has the government been liberal and generous in the grants for schools and for internal improvements, as well as in reducing the debt, contracted for the purchase of lands, by the citizens of those States, who were tempted, in a spirit of inordinate speculation, to purchase too much, or at too high prices.

Such is a rapid outline of this invaluable national property, of the system which regulates its management and distribution, and of the effects of that system. We might here pause, and wonder that there should be a disposition with any to waste or throw away this great resource, or to abolish a system which has been fraught with so many manifest advantages. Nevertheless, there are such, who, impatient with the slow and natural operation of wise laws, have put forth various pretensions and projects concerning the public lands, within a few years past. One of these pretensions is, an assumption of the sovereign right of the new States to all the lands within their respective limits, to the exclusion of the general government, and to the exclusion of all the people of the United States, those in the new States only excepted. It is my purpose now to trace the origin, examine the nature, and expose the injustice, of this pretension.

This pretension may be fairly ascribed to the propositions of the gentleman from Missouri (Mr. Benton), to graduate the public lands, to reduce the price, and cede the "refuse" lands (a term which I believe originated with him), to the States within which they lie. Prompted, probably, by these propositions, a late governor of Illinois, unwilling to be outdone, presented an elaborate message to the Legislature of that State, in which he gravely and formally asserted the right of that State to all the land of the United States, comprehended within its limits. It must be allowed that the governor was a most impartial judge, and the Legislature a most disinterested tribunal, to decide such a question.

The senator from Missouri was chanting most sweetly to the tune, "refuse lands," "refuse lands," "refuse lands," on the Missouri side of the Mississippi, and the soft strains of his music, having caught the ear of his excellency on the Illinois side, he joined in chorus, and struck an octave higher. The senator from Missouri wished only to pick up some crumbs which fell from Uncle Sam's table; but the governor resolved to grasp the whole loaf. The senator modestly claimed only an old, smoked, re-

jected joint; but the stomach of his excellency yearned after the whole hog! The governor peeped over the Mississippi into Missouri, and saw the senator leisurely roaming in some rich pastures, on bits of refuse lands. He returned to Illinois, and springing into the grand prairie, determined to claim and occupy it, in all its boundless extent.

Then came the resolution of the senator from Virginia (Mr. Tazewell), in May, 1826, in the following words:

"Resolved, that it is expedient for the United States to cede and surrender to the several States, within whose limits the same may be situated, all the right, title, and interest of the United States, to any lands lying and being within the boundaries of such States, respectively, upon such terms and conditions as may be consistent with the due observance of the public faith, and with the general interest of the United States."

The latter words rendered the resolution somewhat ambiguous; but still it contemplated a cession and surrender. Subsequently, the senator from Virginia proposed, after a certain time, a gratuitous surrender of all unsold lands, to be applied by the Legislature, in support of education and the internal improvement of the State.

[Here Mr. Tazewell controverted the statement. Mr. Clay called to the secretary to hand him the journal of April, 1828, which he held up to the Senate, and read from it the following:

"The bill to graduate the price of the public lands, to make donations thereof to actual settlers, and to cede the refuse to the States in which they lie, being under consideration—

"Mr. Tazewell moved to insert the following as a substitute:

"That the lands which shall have been subject to sale under the provisions of this act, and shall remain unsold for two years, after having been offered at twenty-five cents per acre, shall be, and the same is, ceded to the State in which the same may lie, to be applied by the Legislature thereof in support of education, and the internal improvement of the State."]

Thus it appears not only that the honorable senator proposed the cession, but showed himself the friend of education and internal improvements, by means derived from the general government. For this liberal disposition on his part, I believe it was, that the State of Missouri honored a new county with his name. If he had carried his proposition, that State might well have granted a principality to him.

The memorial of the Legislature of Illinois, probably produced by the message of the governor already noticed, had been presented, asserting a claim to the public lands. And it seems (although the fact had escaped my recollection until I was reminded of it by one of her senators, Mr. Hendricks, the other day) that the Legislature of Indiana had instructed her senators to bring foward a similar claim. At the last session, however, of the Legislature of that State, resolutions had passed, instructing her delegation to obtain from the general government cessions of the unappro-

priated public lands, on the most favorable terms. It is clear from this last expression of the will of that Legislature, that, on reconsideration, it believed the right to the public lands to be in the general government, and not in the State of Indiana. For, if they did not belong to the general government, it had nothing to cede; if they belonged already to the State, no cession was necessary to the perfection of the right of the State.

I will here submit a passing observation. If the general government had the power to cede the public lands to the new States for particular purposes, and on prescribed conditions, its power must be unquestionable to make some reservations for similar purposes in behalf of the old States. Its power can not be without limit as to the new States, and circumscribed and restricted as to the old. Its capacity to bestow benefits or dispense justice is not confined to the new States, but is coextensive with the whole Union. It may grant to all, or it can grant to none. And this comprehensive equity is not only in conformity with the spirit of the cessions in the deeds from the ceding States, but is expressly enjoined by the terms of those deeds.

Such is the probable origin of the pretension which I have been tracing; and now let us examine its nature and foundation. The argument in behalf of the new States, is founded on the notion, that as the old States, upon coming out of the revolutionary war, had or claimed, a right to all the lands within their respective limits; and as the new States have been admitted into the Union on the same footing and condition in all respects with the old, therefore they are entitled to all the waste lands embraced within their boundaries. But the argument forgets that all the revolutionary States had not waste lands; that some had but very little, and others none. It forgets that the right of the States to the waste lands within their limits was controverted; and that it was insisted that, as they had been conquered in a common war, waged with common means, and attended with general sacrifices, the public lands should be held for the common benefit of all the States. It forgets that in consequence of this right, asserted in behalf of the whole Union, the States that contained any large bodies of waste lands (and Virginia, particularly, that had the most) ceded them to the Union, for the equal benefit of all the States. It forgets that the very equality which is the basis of the argument, would be totally subverted by the admission of the validity of the pretension. For how would the matter then stand? The revolutionary States will have divested themselves of the large districts of vacant lands which they contained, for the common benefit of all the States; and those same lands will enure to the benefit of the new States exclusively. There will be, on the supposition of the validity of the pretension, a reversal of the condition of the two classes of States. Instead of the old having, as is alleged, the wild lands which they included at the epoch of the Revolution, they will have none, and the new States all. And this in the name and for the purpose of equality among all the members of the confederacy! What,

especially, would be the situation of Virginia? She magnanimously ceded an empire in extent for the common benefit. And now it is proposed not only to withdraw that empire from the object of its solemn dictation, to the use of all the States, but to deny her any participation in it, and appropriate it exclusively to the benefit of the new States carved out of it.

If the new States had any right to the public lands, in order to produce the very equality contended for, they ought forthwith to cede that right to the Union, for the common benefit of all the States. Having no such right, they ought to acquiesce cheerfully in an equality which does, in fact, now exist between them and the old States.

The committee on manufactures has clearly shown, that if the right were recognized in the new States now existing, to the public land within their limits, each of the new States, as they might hereafter be successively admitted into the Union, would have the same right; and, consequently, that the pretension under examination embraces, in effect, the whole public domain, that is, a billion and eighty millions of acres of land.

The right of the Union to the public lands is incontestable. It ought not to be considered debatable. It never was questioned but by a few, whose monstrous heresy it was probably supposed, would escape animadversion from the enormity of the absurdity, and the utter impracticability of the success of the claim. The right of the whole is sealed by the blood of the Revolution, founded upon solemn deeds of cession from sovereign States, deliberately executed in the face of the world, or resting upon national treaties concluded with foreign powers, on ample equivalents contributed from the common treasury of the people of the United States.

This right of the whole was stamped upon the face of the new States at the very instant of their parturition. They admitted and recognized it with their first breath. They hold their stations, as members of the confederacy, in virtue of that admission. The senators who sit here, and the members in the House of Representatives from the new States, deliberate in Congress with other senators and representatives, under that admission. And since the new States came into being, they have recognized this right of the general government by innumerable acts—

By their concurrence in the passage of hundreds of laws respecting the public domain, founded upon the incontestable right of the whole of the States;

By repeated applications to extinguish Indian titles, and to survey the lands which they covered;

And by solicitation and acceptance of extensive grants of the public lands from the general government.

The existence of the new State is a falsehood, or the right of all the States to the public domain is an undeniable truth. They have no more right to the public lands, within their particular jurisdiction, than other States have to the mint, the forts and arsenals, or public ships, within theirs,

or than the people of the District of Columbia have to this magnificent capitol, in whose splendid halls we now deliberate.

The equality contended for between all the States now exists. The public lands are now held, and ought to be held and administered for the common benefit of all. I hope our fellow-citizens of Illinois, Indiana, and Missouri, will reconsider the matter; that they will cease to take counsel from demagogues who would deceive them, and instill erroneous principles into their ears; and that they will feel and acknowledge that their brethren of Kentucky and of Ohio, and of all the States in the Union, have an equal right with the citizens of those three States, in the public lands. If the possibility of an event so direful as a severance of this Union were for a moment contemplated, what would be the probable consequence of such an unspeakable calamity; if three confederacies were formed out of its fragments, do you imagine that the western confederacy would consent to have the States including the public lands hold them exclusively for themselves? Can you imagine that the States of Ohio, Kentucky, and Tennessee, would quietly renounce their right in all the public lands west of them? No, sir! No, sir! They would wade to their knees in blood, before they would make such an unjust and ignominious surrender.

But this pretension, unjust to the old States, unequal as to all, would be injurious to the new States themselves, in whose behalf it has been put forth, if it were recognized. The interest of the new States is not confined to the lands within their limits, but extends to the whole billion and eighty millions of acres. Sanction the claims, however, and they are cut down and restricted to that which is included in their own boundaries. Is it not better for Ohio, instead of the five millions and a half, or Indiana, instead of the fifteen millions, or even for Illinois, instead of the thirty-one or thirty-two millions, or Missouri instead of the thirty-eight millions, within their respective limits, to retain their interest, in those several qualities, and also to retain their interest in common with the other members of the Union, in the countless millions of acres that lie west, or north-west, beyond them?

I will now proceed, Mr. President, to consider the expediency of a reduction of the price of the public lands, and the reasons assigned by the land committee, in their report, in favor of that measure. They are presented there in formidable detail, and spread out under seven different heads. Let us examine them; the first is, "because the new States have a clear right to participate in the benefits of a reduction of the revenue to the wants of the government, by getting the reduction extended to the article of revenue chiefly used by them." Here is a renewal of the attempt made early in the session, to confound the public lands with foreign imports, which was so successfully exposed and refuted by the report of the committee on manufactures.

Will not the new States participate in any reduction of the revenue, in common with the old States, without touching the public lands? As far

as they are consumers of objects of foreign import, will they not equally share the benefit with the old States? What right, over and above that equal participation, have the new States to a reduction of the price of the public lands? As States, what right, much less what "clear right" have they to any such reduction? In their sovereign or corporate capacities, what right? Have not all the stipulations between them, as States, and the general government, been fully complied with? Have the people within the new States, considered distinct from the States themselves, any right to such a reduction. Whence is it derived? They went there in pursuit of their own happiness. They bought lands from the public because it was their interest to make the purchase, and they enjoy them. Did they, because they purchased some land, which they possess peaceably, acquire any, and what right in the land which they did not buy? But it may be argued that by settling and improving these lands the adjacent public lands are enhanced. True; and so are their own. The enhancement of the public lands was not a consequence which they went there to produce, but was a collateral effect, as to which they were passive. The public does not seek to avail itself of this augmentation in value by augmenting the price. It leaves that where it was; and the demand for reduction is made in behalf of those who say their labor has increased the value of the public lands, and the claim to reduction is founded upon the fact of enhanced value. The public, like all other land-holders, had a right to anticipate that the sale of a part would communicate, incidentally, greater value upon the residue. And, like all other land proprietors, it has the right to ask more for that residue; but it does not, and, for one, I should be as unwilling to disturb the existing price by augmentation as by reduction. But the public lands is the article of revenue which the people of the new States chiefly consume. In another part of this report, liberal grants of the public lands are recommended, and the idea of holding the public lands as a source of revenue is scouted; because it is said, more revenue could be collected from the settlers, as consumers, than from the lands. Here it seems that the public lands are the articles of revenue chiefly consumed by the new States.

With respect to lands yet to be sold, they are open to the purchase alike of emigrants from the old States, and settlers in the new. As the latter have most generally supplied themselves with lands, the probability is, that the emigrants are more interested in the question of reduction than the settlers. At all events, there can be no peculiar right to such a reduction existing in the new States. It is a question common to all, and to be decided in reference to the interest of the whole Union.

Second. "Because the public debt being now paid, the public lands are entirely released from the pledge they were under to that object, and are free to receive a new and liberal destination, for the relief of the States in which they lie."

The payment of the public debt is conceded to be near at hand; and it

is admitted that the public lands, being liberated, may now receive a new and liberal destination. Such an appropriation of their proceeds is proposed by the bill reported by the committee on manufactures, and to which I shall hereafter more particularly call the attention of the Senate. But it did not seem just to that committee, that this new and liberal destination of them should be restricted "for the relief of the States in which they lie," exclusively, but should extend to all the States indiscriminately, upon principles of equitable distribution.

Third. "Because nearly one hundred millions of acres of the land now in market are the refuse of sales and donations, through a long series of years, and are of very little actual value, and are only fit to be given to settlers, or abandoned to the States in which they lie."

According to an official statement, the total quantity of public land which has been surveyed up to the 31st of December last, was a little upward of one hundred and sixty-two millions of acres. Of this, a large proportion, perhaps even more than the one hundred millions of acres stated in the land report, has been a long time in market. The entire quantity which has ever been sold by the United States, up to the same day, after deducting lands relinquished and lands reverted to the United States, according to an official statement, also, is twenty-five million two hundred and forty-two thousand five hundred and ninety acres. Thus after the lapse of thirty-six years, during which the present land system has been in operation, a little more than twenty-five millions of acres have been sold, not averaging a million per annum, and upward of one hundred millions of the surveyed lands remain to be sold. The argument of the report of the land committee assumes, that "nearly one hundred millions are the refuse of sales and donations," are of very little actual value, and only fit to be given to settlers, or abandoned to the States in which they lie.

Mr. President, let us define as we go—let us analyze. What do the land committee mean by "refuse land?" Do they mean worthless, inferior, rejected land, which nobody will buy at the present government price? Let us look at facts, and make them our guide. The government is constantly pressed by the new States to bring more and more lands into the market; to extinguish more Indian titles; to survey more. The new States themselves are probably urged to operate upon the general government by emigrants and settlers, who see still before them, in their progress west, other new lands which they desire. The general government yields to the solicitations. It throws more land into the market, and it is annually and daily preparing additional surveys of fresh lands. It has thrown, and is preparing to throw, open to purchasers already one hundred and sixty-two millions of acres. And now, because the capacity to purchase, in its nature limited by the growth of our population, is totally incompetent to absorb this immense quantity, the government is called upon, by some of the very persons who urged the exhibition of this vast amount to

sale, to consider all that remains unsold as refuse! Twenty-five millions in thirty-six years only are sold, and all the rest is to be looked upon as refuse. Is this right? If there had been five hundred millions in market, there probably would not have been more or much more sold. But I deny the correctness of the conclusion that it is worthless because not sold. It is not sold because there were not people to buy it. You must have gone to other countries, to other worlds, to the moon, and drawn from thence people to buy the prodigious quantity which you offered to sell.

Refuse land! A purchaser goes to a district of country and buys out of a township a section which strikes his fancy. He exhausts his money. Others might have preferred other sections. Other sections may even be better than his. He can with no more propriety be said to have "refused" or rejected all the other sections, than a man who, attracted by the beauty, charms, and accomplishments of a particular lady, marries her, can be said to have rejected or refused all the rest of the sex.

Is it credible, that out of one hundred and fifty or one hundred and sixty millions of acres of land in a valley celebrated for its fertility, there are only about twenty-five millions of acres of good land, and that all the rest is refuse? Take the State of Illinois as an example. Of all the States in the Union, that State probably contains the greatest proportion of rich, fertile lands; more than Ohio, more than Indiana, abounding as they both do in fine lands. Of the thirty-three millions and a half of public lands in Illinois, a little more only than two millions have been sold. Is the residue of thirty-one millions all refuse land? Who that is acquainted in the West can assert or believe it? No, sir; there is no such thing. The unsold lands are unsold because of the reasons already assigned. Doubtless there is much inferior land remaining, but a vast quantity of the best of lands also. For its timber, soil, water-power, grazing, minerals, almost all land possesses a certain value. If the lands unsold are refuse and worthless in the hands of the general government, why are they sought after with so much avidity? If in our hands they are good for nothing, what more would they be worth in the hands of the new States? "Only fit to be given to settlers!" What settlers would thank you? what settlers would not scorn a gift of refuse, worthless land? If you mean to be generous, give them what is valuable; be manly in your generosity.

But let us examine a little closer this idea of refuse land. If there be any State in which it is to be found in large quantities, that State would be Ohio. It is the oldest of the new States. There the public lands have remainded longer exposed in the market. But there we find only five millions and a half to be sold. And I hold in my hand an account of sales in the Zanesville district, one of the oldest in that State, made during the present year. It is in a paper, entitled the Ohio Republican, published in Zanesville, the 26th of May, 1832. The article is headed "refuse land," and it states: "It has suited the interest of some to represent the lands of the United States which have remained in market for

many years as mere 'refuse,' which can not be sold; and to urge a rapid reduction of price, and the cession of the residue, in a short period, to the States in which they are situated. It is strongly urged against this plan that it is a speculating project, which, by alienating a large quantity of land from the United States, will cause a great increase of price to actual settlers in a few years; instead of their being able forever, as it may be said is the case under the present system of land sales, to obtain a farm at a reasonable price. To show how far the lands unsold are from being worthless, we copy from the Gazette the following statement of recent sales in the Zanesville district, one of the oldest districts in the West. The sales at the Zanesville land-office, since the commencement of the present year, have been as follows: January, seven thousand one hundred and twenty dollars and eighty cents; February, eight thousand five hundred and forty-two dollars and sixty-seven cents; March, eleven thousand seven hundred and forty-four dollars and seventy-five cents; April, nine thousand two hundred and nine dollars and nineteen cents; and since the first of the present month about nine thousand dollars' worth have been sold, more than half of which was in forty acre lots." And there can not be a doubt that the act, passed at this session, authorizing sales of forty acres, will, from the desire to make additions to farms, and to settle young members of families, increase the sales very much, at least during this year.

A friend of mine in this city bought in Illinois last fall about two thousand acres of this refuse land at the minimum price, for which he has lately refused six dollars per acre. An officer of this body, now in my eye, purchased a small tract of this same refuse land, of one hundred and sixty acres, at second or third hand, entered a few years ago, and which is now estimated at one thousand nine hundred dollars. It is a business, a very profitable business, at which fortunes are made in the new States, to purchase these refuse lands, and, without improving them, to sell them at large advances.

Far from being discouraged by the fact of so much surveyed public land remaining unsold, we should rejoice that this bountiful resource, possessed by our country, remains in almost undiminished quantity, notwithstanding so many new and flourishing States have sprung up in the wilderness, and so many thousands of families have been accommodated. It might be otherwise, if the public land was dealt out by government with a sparing, grudging, griping hand. But they are liberally offered, in exhaustless quantities, and at moderate prices, enriching individuals, and tending to the rapid improvement of the country. The two important facts brought forward and emphatically dwelt on by the committee of manufactures, stand in their full force, unaffected by any thing stated in the report of the land committee. These facts must carry conviction to every unbiased mind, that will deliberately consider them. The first is, the rapid increase of the new States, far outstripping the old, averaging annually an increase of eight and a half per centum, and doubling, of course,

in twelve years. One of these States, Illinois, full of refuse land, increasing at the rate of eighteen and a half per centum! Would this astonishing growth take place if the lands were too high, or all the good land sold? The other fact is, the vast increase in the annual sales—in 1830, rising of three millions. Since the report of the committee on manufactures, the returns have come in of the sales of last year, which had been estimated at three millions. They were, in fact, three million five hundred and sixty-six thousand one hundred and twenty-seven dollars and ninety-four cents! Their progressive increase baffles all calculation. Would this happen, if the price were too high?

It is argued, that the value of different townships and sections is various; and that it is, therefore, wrong to fix the same price for all. The variety in the quality, situation, and advantages, of different tracts, is no doubt great. After the adoption of any system of classification, there would still remain very great diversity in the tracts belonging to the same class. This is the law of nature. The presumption of inferiority, and of refuse land, founded upon the length of time that the land has been in market, is denied, for reasons already stated. The offer, at public auction, of all lands to the highest bidder, previous to their being sold at private sale, provides in some degree for the variety in the value, since each purchaser pushes the land up to the price, which, according to his opinion, it ought to command. But if the price demanded by government is not too high for the good land (and no one can believe it), why not wait until that is sold, before any reduction in the price of the bad? And that will not be sold for many years to come. It would be quite as wrong to bring the price of good land down to the standard of the bad, as it is alleged to be, to carry the latter up to that of the former. Until the good land is sold there will be no purchasers of the bad; for, as has been stated in the report of the committee on manufactures, a discreet farmer would rather give a dollar and a quarter per acre for first-rate land, than accept refuse and worthless land as a present.

"Fourth. Because the speedy extinction of the federal title within their limits is necessary to the independence of the new States, to their equality with the elder States; to the development of their resources; to the subjection of their soil to taxation, cultivation, and settlement, and to the proper enjoyment of their jurisdiction and sovereignty."

All this is mere assertion and declamation. The general government, at a moderate price, is selling the public land as fast as it can find purchasers. The new States are populating with unexampled rapidity; their condition is now much more eligible than that of some of the old States. Ohio, I am sorry to be obliged to confess, is, in internal improvement and some other respects, fifty years in advance of her elder sister and neighbor, Kentucky. How have her growth and prosperity, her independence, her equality with the elder States, the development of her resources, the tax

ation, cultivation, and settlement of her soil, or the proper enjoyment of her jurisdiction and sovereignty, been affected or impaired by the federal title within her limits? The federal title! It has been a source of blessings and of bounties, but not one of real grievance. As to the exemption from taxation of the public lands, and the exemption for five years of those sold to individuals, if the public land belonged to the new States, would they tax it? And as to the latter exemption, it is paid for by the general government, as may be seen by reference to the compacts; and it is, moreover, beneficial to the new States themselves, by holding out a motive to emigrants to purchase and settle within their limits.

"Sixth. Because the ramified machinery of the land-office department, and the ownership of so much soil, extends the patronage and authority of the general government into the heart and corners of the new States, and subjects their policy to the danger of a foreign and powerful influence."

A foreign and powerful influence! The federal government a foreign government! And the exercise of a legitimate control over the national property, for the benefit of the whole people of the United States, a deprecated penetration into the heart and corners of the new States! As to the calamity of the land offices, which are held within them, I believe that is not regarded by the people of these States with quite as much horror as it is by the land committee. They justly consider that they ought to hold those offices themselves, and that no persons ought to be sent from the other foreign States of this Union to fill them. And if the number of the offices were increased, it would not be looked upon by them as a grievous addition to the calamity.

But what do the land committee mean by the authority of this foreign, federal government? Surely, they do not desire to get rid of the federal government. And yet the final settlement of the land question will have effected but little in expelling its authority from the bosoms of the new States. Its action will still remain in a thousand forms, and the heart and corners of the new States will still be invaded by post-offices, and postmasters and post-roads, and the Cumberland road, and various other modifications of its power.

"Because the sum of four hundred and twenty-five millions of dollars, proposed to be drawn from the new States and Territories, by the sale of their soil, at one dollar and twenty-five cents per acre, is unconscionable and impracticable —such as never can be paid—and the bare attempt to raise which, must drain, exhaust, and impoverish these States, and give birth to the feelings, which a sense of injustice and oppression never fail to excite, and the excitement of which should be so carefully avoided in a confederacy of free States."

In another part of this report the committee say, speaking of the immense revenue alleged to be derivable from the public lands, "this ideal revenue is estimated at four hundred and twenty-five millions of dollars,

for the lands now within the limits of the States and Territories, and at one billion three hundred and sixty-three million five hundred and eighty-nine thousand six hundred and ninety-one dollars for the whole federal domain. Such chimerical calculations preclude the propriety of argumentative answers." Well, if these calculations are all chimerical, there is no danger, from the preservation of the existing land system, of draining, exhausting and impoverishing the new States, and of exciting them to rebellion.

The manufacturing committee did not state what the public lands would, in fact, produce. They could not state it. It is hardly a subject of approximate estimate. The committee stated what would be the proceeds, estimated by the minimum price of the public lands; what, at one half of that price; and added, that, although there might be much land that would never sell at one dollar and a quarter per acre, "as fresh lands are brought into market and exposed to sale at auction, many of them sell at prices exceeding one dollar and a quarter per acre." They concluded by remarking, that the least favorable view of regarding them, was to consider them a capital yielding an annuity of three millions of dollars at this time; that, in a few years, that annuity would probably be doubled, and that the capital might then be assumed as equal to one hundred millions of dollars.

Whatever may be the sum drawn from the sales of the public lands, it will be contributed, not by citizens of the States alone in which they are situated, but by emigrants from all the States. And it will be raised, not in a single year, but in a long series of years. It would have been impossible for the State of Ohio to have paid, in one year, the millions that have been raised in that State, by the sale of public lands; but in a period of upward of thirty years, the payment has been made, not only without impoverishing, but with the constantly-increasing prosperity of the State.

Such, Mr. President, are the reasons of the land committee, for the reduction of the price of the public lands. Some of them had been anticipated and refuted in the report of the manufacturing committee; and I hope that I have now shown the insolidity of the residue.

I will not dwell upon the consideration urged in that report, against any large reduction, founded upon its inevitable tendency to lessen the value of the landed property throughout the Union, and that in the western States especially. That such would be the necessary consequence, no man can doubt, who will seriously reflect upon such a measure as that of throwing into market, immediately, upward of one hundred and thirty millions of acres, and at no distant period upward of two hundred millions more, at greatly reduced rates.

If the honorable chairman of the land committee (Mr. King), had relied upon his own sound practical sense, he would have presented a report far less objectionable than that which he has made. He has availed himself

of another's aid, and the hand of the senator from Missouri (Mr. Benton), is as visible in the composition, as if his name had been subscribed to the instrument. We hear again, in this paper, of that which we have so often heard repeated before in debate, by the senator from Missouri—the sentiments of Edmund Burke. And what was the state of things in England, to which those sentiments were applied?

England has too little land, and too many people. America has too much land for the present population of the country, and wants people. The British crown had owned, for many generations, large bodies of land, preserved for game and forest, from which but small revenues were derived. It was proposed to sell out the crown lands, that they might be peopled and cultivated, and that the royal family should be put on the civil list. Mr. Burke supported the proposition by convincing arguments. But what analogy is there between the crown lands of the British sovereign, and the public lands of the United States? Are they here locked up from the people, and, for the sake of their game or timber, excluded from sale? Are not they freely exposed in market, to all who want them, at moderate prices? The complaint is, that they are not sold fast enough, in other words, that people are not multiplied rapidly enough to buy them. Patience, gentlemen of the land committee, patience! The new States are daily rising in power and importance. Some of them are already great and flourishing members of the confederacy. And, if you will only acquiesce in the certain and quiet operation of the laws of God and man, the wilderness will quickly teem with people, and be filled with the monuments of civilization.

The report of the land committee proceeds to notice and to animadvert upon certain opinions of a late Secretary of the Treasury, contained in his annual report, and endeavors to connect them with some sentiments expressed in the report of the committee on manufactures. That report has before been the subject of repeated commentary in the Senate, by the senator from Missouri, and of much misrepresentation and vituperation in the public press. Mr. Rush showed me the rough draft of that report, and I advised him to expunge the paragraphs in question, because I foresaw that they would be misrepresented, and that he would be exposed to unjust accusation. But knowing the purity of his intentions, believing in the soundness of the views which he presented, and confiding in the candor of a just public, he resolved to retain the paragraphs. I can not suppose the senator from Missouri ignorant of what passed between Mr. Rush and me, and of his having, against my suggestions, retained the paragraphs in question, because these facts were all stated by Mr. Rush himself, in a letter addressed to a late member of the House of Representatives, representing the district in which I reside, which letter, more than a year ago, was published in the western papers.

I shall say nothing in defense of myself, nothing to disprove the charge of my cherishing unfriendly feelings and sentiments toward any part of the

West. If the public acts in which I have participated, if the uniform tenor of my whole life, will not refute such an imputation, nothing that I could here say would refute it.

But I will say something in defense of the opinions of my late patriotic and enlightened colleague, not here to speak for himself; and I will vindicate his official opinions from the erroneous glosses and interpretations which have been put upon them.

Mr. Rush, in an official report which will long remain a monument of his ability, was surveying, with a statesman's eye, the condition of America. He was arguing in favor of the protective policy—the American system. He spoke of the limited vocations of our society, and the expediency of multiplying the means of increasing subsistence, comfort, and wealth. He noticed the great and the constant tendency of our fellow-citizens to the cultivation of the soil, the want of a market for their surplus produce, the inexpediency of all blindly rushing to the same universal employment, and the policy of dividing ourselves into various pursuits. He says:

"The manner in which the remote lands of the United States are selling and settling, while it possibly may tend to increase more quickly the aggregate population of the country, and the mere means of subsistence, does not increase capital in the same proportion. * * * Any thing that may serve to hold back this tendency to diffusion from running too far and too long into an extreme, can scarcely prove otherwise than salutary. * * * If the population of these (a majority of the States, including some western States), not yet redundant in fact, though appearing to be so, under this legislative incitement to emigrate, remain fixed in more instances, as it probably would be by extending the motives to manufacturing labor, it is believed that the nation would gain in two ways: first, by the more rapid accumulation of capital, and next, by the general reduction of the excess of its agricultural population over that engaged in other vocations. It is not imagined that it ever would be practicable, even if it were desirable, to turn this stream of emigration aside; but resources, opened through the influence of the laws, in new fields of industry, to the inhabitants of the States already sufficiently peopled to enter upon them, might operate to lessen, in some degree, and usefully lessen, its absorbing force."

Now, Mr. President, what is there in this view adverse to the West, or unfavorable to its interests? Mr. Rush is arguing on the tendency of the people to engage in agriculture, and the incitement to emigrate, produced by our laws. Does he propose to change those laws in that particular? Does he propose any new measure? So far from suggesting any alteration of the conditions on which the public lands are sold, he expressly says, that it is not desirable, if it were practicable, to turn this stream of emigration aside. Leaving all the laws in full force, and all the motives to emigrate arising from fertile and cheap lands, untouched, he recommends the encouragement of a new branch of business, in which all the Union, the West as well as the rest, is interested, thus presenting an option to population to engage in manufactures or in agriculture, at its own discre-

tion. And does such an option afford just ground of complaint to any one? Is it not an advantage to all? Do the land committee desire (I am sure they do not) to create starvation in one part of the Union, that emigrants may be forced into another? If they do not, they ought not to condemn a multiplication of human employments, by which, as its certain consequence, there will be an increase in the means of subsistence and comfort. The objection to Mr. Rush, then, is, that he looked at his whole country, and at all parts of it; and that while he desired the prosperity and growth of the West to advance undisturbed, he wished to build up, on deep foundations, the welfare of all the people.

Mr. Rush knew that there were thousands of the poorer classes who never would emigrate; and that emigration, under the best auspices, was far from being unattended with evil. There are moral, physical, pecuniary obstacles to all emigration; and these will increase, as the good vacant lands of the West are removed, by intervening settlements further and further from society, as it is now located. It is, I believe, Dr. Johnson who pronounces, that of all vegetable and animal creation, man is the most difficult to be uprooted and transferred to a distant country; and he was right. Space itself, mountains, and seas, and rivers, are impediments. The want of pecuniary means, the expenses of the outfit, subsistence and transportation of a family, is no slight circumstance. When all these difficulties are overcome (and how few, comparatively, can surmount them!) the greatest of all remains—that of being torn from one's natal spot—separated, forever, from the roof under which the companions of his childhood were sheltered, from the trees which have shaded him from summer's heats, the spring from whose gushing fountain he has drunk in his youth, the tombs that hold the precious relics of his venerated ancestors!

But I have said, that the land committee had attempted to confound the sentiments of Mr. Rush with some of the reasoning employed by the committee on manufactures against the proposed reduction of the price of the public lands. What is that reasoning? Here it is; it will speak for itself; and without a single comment will demonstrate how different it is from that of the late Secretary of the Treasury, unexceptionable as that has been shown to be.

"The greatest emigration (says the manufacturing committee) that is believed now to take place from any of the States, is from Ohio, Kentucky, and Tennessee. The effect of a material reduction in the price of the public lands, would be, first to lessen the value of real estate in those three States; secondly to diminish their interest in the public domain, as a common fund for the benefit of all the States; and, thirdly, to offer what would operate as a bounty to further emigation from those States, occasioning more and more lands, situated within them, to be thrown into the market, thereby not only lessening the value of their lands, but draining them, both of their population and labor."

There are good men in different parts, but especially in the Atlantic por-

tion, of the Union, who have been induced to regard lightly this vast national property; who have been persuaded that the people of the West are dissatisfied with the administration of it; and who believe that it will, in the end, be lost to the nation, and that it is not worth present care and preservation. But these are radical mistakes. The great body of the West are satisfied, perfectly satisfied, with the general administration of the public lands. They would indeed like, and are entitled to, a more liberal expenditure among them of the proceeds of the sales. For this, provision is made by the bill to which I will hereafter call the attention of the Senate. But the great body of the West have not called for, and understand too well their real interest to desire, any essential change in the system of survey, sale, or price of the lands. There may be a few, stimulated by demagogues, who desire change; and what system is there, what government, what order of human society, in which a few do not desire change?

It is one of the admirable properties of the existing system, that it contains within itself, and carries along, principles of conservation and safety. In the progress of its operation, new States become identified with the old, in feeling, in thinking, and in interest. Now, Ohio is as sound as any old State in the Union, in all her views relating to the public lands. She feels that her share in the exterior domain is much more important than would be an exclusive right to the few millions of acres left unsold, within her limits, accompanied by a virtual surrender of her interest in all the other public lands of the United States. And I have no doubt, that now, the people of the other new States, left to their own unbiased sense of equity and justice, would form the same judgment. They can not believe that what they have not bought, what remains the property of themselves and all their brethren of the United States, in common, belongs to them exclusively. But if I am mistaken, if they have been deceived by erroneous impressions on their mind, made by artful men, as the sales proceed, and the land is exhausted, and their population increased, like the State of Ohio, they will feel that their true interest points to their remaining copartners in the whole national domain, instead of bringing forward an unfounded pretension to the inconsiderable remnant which will be then left in their own limits.

And now, Mr. President, I have to say something in respect to the particular plan brought forward by the committee on manufactures, for a temporary appropriation of the proceeds of the sales of the public lands.

The committee say that this fund is not wanted by the general government; that the peace of the country is not likely, from present appearances, to be speedily disturbed; and that the general government is absolutely embarrassed in providing against an enormous surplus in the treasury. While this is the condition of the federal government, the States are in want of, and can most beneficially use, that very surplus with which we do not know what to do. The powers of the general government are limited; those of the States are ample. If those limited powers authorized

an application of the fund to some objects, perhaps there are some others, of more importance, to which the powers of the States would be more competent, or to which they may apply a more provident care.

But the government of the whole and of the parts, at last is but one government of the same people. In form they are two, in substance one. They both stand under the same solemn obligation to promote, by all the powers with which they are respectively intrusted, the happiness of the people; and the people, in their turn, owe respect and allegiance to both. Maintaining these relations, there should be mutual assistance to each other afforded by these two systems. When the States are full-handed, and the coffers of the general government are empty, the States should come to the relief of the general government, as many of them did, most promptly and patriotically, during the late war. When the conditions of the parties are reversed, as is now the case, the States wanting what is almost a burden to the general government, the duty of this government is to go to the relief of the States.

They were views like these which induced a majority of the committee to propose the plan of distribution, contained in the bill now under consideration. For one, however, I will again repeat the declaration, which I made early in the session, that I unite cordially with those who condemn the application of any principle of distribution among the several States, to surplus revenue derived from taxation. I think income derived from taxation stands upon ground totally distinct from that which is received from the public lands. Congress can prevent the accumulation, at least for any considerable time, of revenue from duties, by suitable legislation, lowering or augmenting the imposts; but it can not stop the sales of the public lands, without the exercise of arbitrary and intolerable power. The powers of Congress over the public lands are broader and more comprehensive, than those which they possess over taxatien, and the money produced by it.

This brings me to consider, first, the power of Congress to make the distribution. By the second part of the third section of the fourth article of the Constitution, Congress "have power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States." The power of disposition is plenary, unrestrained, unqualified. It is not limited to a specified object or to a defined purpose, but left applicable to any object or purpose which the wisdom of Congress shall deem fit, acting under its high responsibility.

The government purchased Louisiana and Florida. May it not apply the proceeds of lands within those countries, to any object which the good of the Union may seem to indicate? If there be a restraint in the Constitution, where is it, what is it?

The uniform practice of the government has conformed to the idea of its possessing full powers over the public lands. They have been freely granted, from time to time, to communities and individuals, for a great

variety of purposes. To States for education, internal improvements, public buildings; to corporations for education; to the deaf and dumb; to the cultivators of the olive and the vine; to pre-emptioners; to General Lafayette, and so forth.

The deeds from the ceding States, far from opposing, fully warrant the distribution. That of Virginia ceded the land as "a common fund for the use and benefit of such of the United States as have become, or shall become members of the confederation or federal alliance of the said States, Virginia inclusive." The cession was for the benefit of all the States. It may be argued that the fund must be retained in the common treasury, and thence paid out. But, by the bill reported, it will come into the common treasury, and then the question, how it shall be subsequently applied for the use and benefit of such of the United States as compose the confederacy, is one of modus only. Whether the money is disbursed by the general government directly, or is paid out upon some equal and just principle, to the States, to be disbursed by them, can not affect the right of distribution. If the general government retained the power of ultimate disbursement, it could execute it only by suitable agents; and what agency is more suitable than that of the States themselves? If the States expend the money, as the bill contemplates, the expenditure will, in effect, be a disbursement for the benefit of the whole, although the several States are organs of the expenditure; for the whole and all the parts are identical. And whatever redounds to the benefit of all the parts, necessarily contributes, in the same measure, to the benefit of the whole. The great question should be, is the distribution upon equal and just principles? And this brings me to consider,

Secondly, the terms of the distribution proposed by the bill of the committee on manufactures. The bill proposes a division of the net proceeds of the sales of the public lands, among the several States composing the Union, according to their federal representative population, as ascertained by the last census; and it provides for new States that may hereafter be admitted into the Union. The basis of the distribution, therefore, is derived from the Constitution itself, which has adopted the same rule, in respect to representation and direct taxes. None could be more just and equitable.

But it has been contended, in the land report, that the revolutionary States which did not cede their public lands ought not to be allowed to come into the distribution. This objection does not apply to the purchases of Louisiana and Florida, because the consideration for them was paid out of the common treasury, and was consequently contributed by all the States. Nor has the objection any just foundation, when applied to the public lands derived from Virginia, and the other ceding States; because, by the terms of the deeds, the cessions were made for the use and benefit of all the States. The ceding States having made no exception of any State, what right has the general government to interpolate in the deeds.

and now create an exception? The general government is a mere trustee, holding the domain in virtue of those deeds, according to the terms and conditions which they expressly describe; and it is bound to execute the trust accordingly. But how is the fund produced by the public lands now expended? It comes into the common treasury, and is disbursed for the common benefit, without exception of any State. The bill only proposes to substitute to that object, now no longer necessary, another and more useful common object. The general application of the fund will continue, under the operation of the bill, although the particular purposes may be varied.

The equity of the proposed distribution, as it respects the two classes of States, the old and the new, must be manifest to the Senate. It proposes to assign to the new States, besides the five per centum stipulated for in their several compacts with the general government, the further sum of ten per centum upon the net proceeds. Assuming the proceeds of the last year, amounting to three millions five hundred and sixty-six thousand one hundred and twenty-seven dollars and ninety-four cents, as the basis of the calculation, I hold in my hand a paper which shows the sum that each of the seven new States would receive. They have complained of the exemption from taxation of the public lands sold by the general government for five years after the sale. If that exemption did not exist, and they were to exercise the power of taxing those lands, as the average increase of their population is only eight and a half per centum per annum, the additional revenue which they would raise, would be only eight and a half per centum per annum; that is to say, a State now collecting a revenue of one hundred thousand dollars per annum, would collect only one hundred and eight thousand five hundred, if it were to tax the lands recently sold. But by the bill under consideration, each of the seven new States will annually receive, as its distributive share, more than the whole amount of its annual revenue.

It may be thought, that to set apart ten per centum to the new States, in the first instance, is too great a proportion, and is unjust toward the old States. But it will be recollected that, as they populate much faster than the old States, and as the last census is to govern in the apportionment, they ought to receive more than the old States. If they receive too much at the commencement of the term, it may be neutralized by the end of it.

After the deduction shall have been made of the fifteen per centum allotted to the new States, the residue is to be divided among the twenty-four States, old and new, composing the Union. What each of the States would receive is shown by a table annexed to the report. Taking the proceeds of the last year as the standard, there must be added one sixth to what is set down in that table as the proportion of the several States.

If the power and the principle of the proposed distribution be satisfactory to the Senate, I think the objects can not fail to be equally so. They are education, internal improvements, and colonization, all great and beneficent objects, all national in their nature. No mind can be cultivated and improved; no work of internal improvement can be executed in any

part of the Union, nor any person of color transported from any of its ports, in which the whole Union is not interested. The prosperity of the whole is an aggregate of the prosperity of the parts.

The States, each judging for itself, will select among the objects enumerated in the bill, that which comports best with its own policy. There is no compulsion in the choice. Some will prefer, perhaps, to apply the fund to the extinction of debt, now burdensome, created for internal improvement; some to new objects of internal improvement; others to education, and others again to colonization. It may be supposed possible that the States will divert the fund from the specified purposes. But against such a misapplication we have, in the first place, the security which arises out of their presumed good faith; and, in the second, the power to withhold subsequent, if there has been any abuse in previous, appropriations.

It has been argued that the general government has no power in respect to colonization. Waiving that, as not being a question at this time, the real inquiry is, have the States themselves any such power? For it is to the States that the subject is referred. The evil of a free black population, is not restricted to particular States, but extends to, and is felt by, all. It is not, therefore, the slave question, but totally distinct from and unconnected with it. I have heretofore often expressed my perfect conviction, that the general government has no constitutional power which it can exercise in regard to African slavery. That conviction remains unchanged. The States in which slavery is tolerated, have exclusively in their own hands the entire regulation of the subject. But the slave States differ in opinion as to the expediency of African colonization. Several of them have signified their approbation of it. The Legislature of Kentucky, I believe unanimously, recommended the encouragement of colonization to Congress.

Should a war break out during the term of five years, that the operation of the bill is limited to, the fund is to be withdrawn and applied to the vigorous prosecution of the war. If there be no war, Congress, at the end of the term, will be able to ascertain whether the money has been beneficially expended, and to judge of the propriety of continuing the distribution.

Three reports have been made, on this great subject of the public lands, during the present session of Congress, besides that of the Secretary of the Treasury at its commencement—two in the Senate and one in the House. All three of them agree, first, in the preservation of the control of the general government over the public lands; and, secondly, they concur in rejecting the plan of a cession of the public lands to the States in which they are situated, recommended by the secretary. The land committee of the Senate propose an assignment of fifteen per centum of the net proceeds, besides the five per centum stipulated in the compacts, (making together twenty per centum), to the new States, and nothing to the old.

The committee on manufactures of the Senate, after an allotment of an additional sum of ten per centum to the new States, propose an equal dis-

tribution of the residue among all the States, old and new, upon equitable principles.

The Senate's land committee, besides the proposal of a distribution, restricted to the new States, recommends an immediate reduction of the price of "fresh lands," to a minimum of one dollar per acre, and to fifty cents per acre for lands which have been five years or upward in market.

The land committee of the House is opposed to all distribution, general or partial, and recommends a reduction of the price to one dollar per acre.

And now, Mr. President, I have a few more words to say, and shall be done. We are admonished by all our reflections, and by existing signs, of the duty of communicating strength and energy to the glorious Union which now encircles our favored country. Among the ties which bind us together, the public domain merits high consideration. And if we appropriate, for a limited time, the proceeds of that great resource, among the several States, for the important objects which have been enumerated, a new and powerful bond of affection and of interest will be added. The States will feel and recognize the operation of the general government, not merely in power and burdens, but in benefactions and blessings. And the general government in its turn will feel, from the expenditure of the money which it dispenses to the States, the benefits of moral and intellectual improvement of the people, of greater facility in social and commercial intercourse, and of the purification of the population of our country, themselves the best parental sources of national character, national union, and national greatness. Whatever may be the fate of the particular proposition now under consideration, I sincerely hope that the attention of the nation may be attracted to this most interesting subject; that it may justly appreciate the value of this immense national property; and that preserving the regulation of it by the will of the whole, for the advantage of the whole, it may it be transmitted, as a sacred and inestimable succession, to posterity, for its benefit and blessing for ages to come.

THE NORTH-EASTERN BOUNDARY.

IN SENATE, JULY 10, 1832.

[MR. CLAY, both as Commissioner at Ghent and as Secretary of State under Mr. J. Q. Adams, had had this subject of the North-eastern Boundary under official advisement, and was, therefore, well qualified to speak upon it. President Jackson, as Mr. Clay thought, had asked advice of the Senate prematurely, as no treaty had been made. He submitted only the award of the King of the Netherlands, which seemed to amount only to a recommendation. This award was far from being acceptable to the State of Maine, or to the country generally. Much time had elapsed, and political changes of considerable import had occurred in the position of the King of the Netherlands, since this question had been submitted to him. It was a serious question, even if he were not disqualified to act by these changes. Mr. Clay did not consider that the subject could then be acted upon by the Senate, as a part of the treaty-making power; and his opinion had influence in that body. The whole subject was finally given the go-by, and the controversy was at last settled in 1842 by Lord Ashburton and Mr. Webster, which gave repose to both countries, after an agitation of nearly thirty years.

INTENDING to express, in a few words, my sentiments on this subject, I have thought I might as well embrace this occasion to do it. The president has called upon the Senate for its advice, as to the award of the King of the Netherlands, respecting the north-eastern boundary of the United States. This call upon the Senate is made, not in its legislative character, but as a component part of the treaty-making power. If the senate, therefore, should give any advice on the matter, it must act in its executive capacity, and according to those rules which govern it when so acting. Among these, is that which requires the concurrence of two thirds of the senators present.

The language of the Constitution, taken literally, would perhaps require a participation of the Senate in the original formation of all treaties. The

words are, "he (the president) shall have power by and with the advice and consent of the Senate, to make treaties; provided two thirds of the senators present concur." In the early stages of his administration, General Washington endeavored to execute this part of the Constitution according to its literal interpretation; but he soon found it impracticable, and abandoned it. The difficulty of consulting so large a body, as to the instructions to be given to a foreign minister; the variety of propositions which may be interchanged in the progress of a negotiation, and the inconvenience of a perpetual recurrence to the Senate for its opinion upon each of them, beside other considerations, rendered it altogether inexpe dient to take the advice and consent of the Senate previously to the conclusion of treaties. When concluded, President Washington thought the purport of the Constitution would be satisfied by submitting them to the Senate; as they could not be said to be made, in the language of the Constitution, until the Senate gave its constitutional concurrence to their becoming obligatory national compacts.

Accordingly, from an early period, in the first term of his administration down to the present time, the settled and uniform practice of the executive government has been, to open negotiations with foreign powers, and to conclude such treaties as the president conceives the interests of this country demand. When so concluded, they are submitted to the Senate for its constitutional advice and consent. And the extent of any agency which the Senate exercises, in the formation of a treaty, is limited to proposing, as was done in the treaty of Mr. Jay, in 1794, amendments to the treaty. These become the subject of future negotiation.

To this established practice of the government, the present administration has hitherto, itself, conformed. And I presume it is not intended to change it, and to revive the impracticable course which General Washington was compelled to abandon, from experience.

What, then, are the circumstances of the case which the president has brought here for the consideration of the Senate? In virtue of several treaties between the United States and Great Britain, on all of which treaties the Senate had regularly acted and given its advice and consent, the disputed north-eastern boundary was submitted to the decision of the King of the Netherlands, as the arbitrator between the two contracting parties, to decide the controversy. The king has pronounced his judgment, and communicated his award to each of the parties. Various questions have been started as to the validity of this instrument. Such as, whether it was intended as a decision binding the parties; whether it does not transcend the authority vested in the king, by the terms of the submission; whether it can be regarded as any thing more than the advice or recommendation of the king as to a suitable boundary, which either party is at liberty to adopt or not, at his discretion?

Whatever may be the real character of this royal act, no treaty, in consequence of it, has been concluded between the United States and Great

Britain, as far as the Senate is advised. It stands upon its own isolated ground. The president has asked the Senate to advise him whether he shall sanction the award, and the report of the committee on foreign relations, now before us, recommends that the government of Great Britain be notified of the acquiescence in it by the government of the United States.

Now, Mr. President, it seems to me, that, in the present state of the transaction, there is nothing brought by the president to our consideration, on which the Senate, as a part of the treaty-making or executive power, can constitutionally act. There is no treaty presented to us for our advice and consent, not even a negotiation proposed, nor, in short, any basis whatever for the action of the Senate. If the award of the King of the Netherlands be binding, it derives its validity from the consent of the parties referring the question to him, and from his having decided the case, in conformity with the terms of the submission. If he has not decided it, or if in deciding it he has transcended the terms of the submission, it is not binding and obligatory. The president being the only constitutional organ of the people of the United States, in all communications with foreign powers, and moreover charged with the execution of the laws and treaties of the United States, is bound to notify the British government what are the executive views in relation to the award. If he tells that government that this does not hold itself bound by the award, a negotiation would probably take place between the parties. If, on the contrary, the president notifies the British government that the United States are bound by the award, he would have to come to Congress for its legislative aid in carrying into effect the award. And should he so come, the question of the validity of the award would be as open to the examination of Congress as it had been to the president. So, if any negotiation which may be opened with Great Britain, in relation to the award, should terminate in the conclusion of a treaty, the president would be bound to submit that treaty to the Senate for its constitutional advice and consent. The president not having applied to Congress for any act of legislation, and having submitted no treaty or national compact, in any form, to this body, I think there is nothing before us on which we can constitutionally act; and that any advice which, under these circumstances, we might offer to the president, would have no warrant or authority in the Constitution of the United States. I can not, therefore, consent to vote for the resolution reported by the committee on foreign relations, or to concur in the adoption of any other resolution which would imply the right of the Senate to express any opinion on the matter in its present state and condition.

While this is my deliberate judgment, I have no hesitation to offer to the president, if he would attach any consequence to them, my views and opinions, as a private citizen, on the whole matter of the north-eastern boundary. At Ghent, Great Britain did not assert any right to the territory to which she subsequently set up a claim. She sought there to obtain by negotiation, and exchange of territory with the United States, a passage

within her own jurisdiction from Nova Scotia and New Brunswick to Quebec. The British commissioners were told by the American, on that occasion, that they had no power to cede away or exchange any part of the territory of Massachusetts, which then included Maine. As there were many parts of the long line of boundary between the United States and Great Britain unsettled and unmarked, it became necessary to have it correctly ascertained and defined. For this purpose several boards of commissioners were provided for by the treaty of Ghent, in the same manner as a similar board had been created by a previous treaty. Most of these boards have amicably and satisfactorily settled the questions respectively submitted to them. That to which was referred the boundary now in dispute could not agree. Before this board, Great Britain brought forward and claimed as her right, that which she had sought to obtain by negotiation only, at the conferences of Ghent. And the perseverance with which she has prosecuted her pretensions, and the apparent success with which they have been so far finally crowned, demonstrate that there never need be despair in any cause, however bad.

During my service in an executive department, it became my duty to examine into this claim asserted by Great Britain; and the result was a firm persuasion and a strong conviction that it was unfounded, and that the right to the disputed territory was in the State of Maine. It is true that, in the treaty of peace of 1783, owing to the imperfect knowledge possessed of the country through which the boundary runs, there is some defective description, but the intention of the parties I think is clear, and according to that intention the right is with Maine, and not in Great Britain. It is altogether unnecessary, upon this occasion, to proceed to state all the grounds and considerations which brought my mind to that conclusion. By doing so, I should be trespassing upon the Senate too much.

The commissioners not having been able to settle the question, the *casus fœderis*, provided for in former treaties, arose, and it became necessary to submit the question to an arbiter. The King of the Netherlands was selected for that purpose, and we all know the subsequent events. The statements, arguments, and papers of the parties, were all prepared within the two countries respectively, and transmitted to Holland, where they were submitted to the king. In consenting to refer the question, the late administration was impelled by the duty of respecting the national faith, as pledged in solemn treaties. And although the King of the Netherlands was not the first choice of either party, high confidence was reposed in his independence, and in his ability, and integrity, by the late president of the United States.

With respect to the conduct of the arbitration on the part of our government, there are some circumstances to be deeply regretted. The plan adopted by the late administration was to have retained Mr. Hughes at the Hague, elevated him to the rank of minister plenipotentiary, and send out Mr. Preble as a public agent to be associated with him. I scarcely know

any man so well qualified for such a service as Mr. Hughes. He had the benefit of much diplomatic experience, and he had been very successful in various negotiations which he had conducted. Commencing his career as secretary of the commission at Ghent, he subsequently had creditably represented his government at Stockholm, and at St. Petersburg, and at Copenhagen, on temporary missions; and he had been some time at the court of the Netherlands. Wherever he had been, he uniformly made good impressions, and conciliated the esteem and friendship of all whose acquaintance he formed. He was well versed in the language of the court of the Hague, and well acquainted with all the persons having access to, or surrounding the king. Of pleasing and winning manners, a general favorite, he was exactly such a person as was well fitted for the service. The rank of minister plenipotentiary was necessary to entitle him to approach the person of the king, according to established usage. It was a point of more importance that this government should have had such a representative at Holland, as the British government was there represented by an accomplished embassador (Sir Charles Bagot), well known here. Mr. Hughes, intimately acquainted with the *corps diplomatique*, with all the avenues of access to the king, and with all persons likely to influence the mind or judgment of the monarch or his ministers, would have been able to discover and avert the exercise of any undue influence, if any should be brought to bear upon the government of the Netherlands in this delicate transaction.

It was among the early acts of this administration to overturn the plan which had been thus resolved on by its predecessors, and, in place of Mr. Hughes, to send out Mr. Preble, in the sole charge of conducting a difficult arbitration. I have had only a limited acquaintance with this gentleman; but he was destitute of all diplomatic experience, had never been in the councils of the general government, and I understand could not either speak or write the language of the court to which he was sent, and where he was a total stranger. He was indeed a respectable lawyer in his own State, but of what avail would professional eminence be, where tact, insinuating manners, and thorough acquaintance with the persons of the court, were indispensable?

The result of an arbitration conducted under such auspices was to be feared. During its progress, and before the king's decision, he was stripped by the revolution in Belgium, of the better half of his dominions. Had he been monarch of Holland alone, I think I hazard nothing in saying, that, notwithstanding the confidence which Mr. Adams reposed in his personal character, he would not have been selected with the concurrence of the late administration, as the sovereign arbiter. It was to an independent sovereign, one the extent of whose power and dominions placed him at the head of the second-rate states of the continent of Europe, that the controversy was submitted. It was not to the King of Holland, but to the King of Holland and Belgium, that the question was referred. It was

to a monarch supposed to be unbiased, powerful, and independent, that the question was referred, and not to a sovereign who, while he was arbitrating between Great Britain and the United States as to the territory of Maine, by the uncontrollable force of events, found one half of his own dominions the subject of British arbitration or decision, in conjunction with the other allied powers.

By the loss of Belgium, the political character of the king was entirely changed, his identity altered, and he ceased to be that monarch whose friendly arbitration had been solicited. Mr. Preble saw the matter in its true light, and expected to have been notified by the minister of foreign affairs of the king's declining to proceed in the arbitration. But he said nothing, and did nothing, to produce that result. Had Mr. Hughes been there, he would, by a suggestion or a hint, not at all offensive (such as, whether the critical condition of his own domestic affairs did not afford sufficient occupation for his majesty, without troubling himself with the concerns of foreign governments, in which his own subjects had no interest), have prevailed on the king to give up the papers; or, at least, to suspend proceeding in the arbitration until he could receive fresh instructions from his own government, adapted to the great event which had happened.

But nothing was done at the Hague or at Washington to arrest or suspend the progress of the arbitration. We have neither seen nor heard of any instructions from our Secretary of State, founded on the event just mentioned. A senator (now in my eye) informed me, that he had conversed with the late Secretary of State about the revolt of Belgium, and asked him if it would not put a stop to the arbitration. To which the secretary answered, that he supposed of course it would; and yet, as far as we know, he gave no instructions whatever in relation to that event!

Under all these circumstances, our surprise at the issue of the arbitration ought to be less than it otherwise would have been. If the King of the Netherlands had definitively decided the questions actually submitted to him, in consequence of the silent acquiescence of our government in the progress of arbitration, the honor and faith of the nation might have bound us to submit to the decision, however unjust we deem it. But, Mr. President, I can not concur with the committee on foreign relations, in considering the paper communicated by the King of Holland to the two governments as containing a decision. It seems to me to express only the opinion of that monarch, as to what he thinks might be a suitable boundary, and to operate as a recommendation to the parties to adopt it; but leaving them, at the same time, at full liberty to adopt it or not, at their discretion. So far from being a decision, the king professes his inability to decide the question submitted to him, for reasons which he states, and he does not decide it, according to the terms of the submission.

Nor can I concur with that committee in believing, that we shall be in danger of incurring the reproaches of the world for not submitting to such

an award, if award it can be called. I am quite sure, that the chairman of the committee on foreign affairs, or the present Secretary of State, would be fully competent to make out an argument in behalf of the rights of Maine, that would fully vindicate then, and vindicate the course of government, from all reproaches, founded on noncompliance with the advice and recommendation of the sovereign arbiter.

Entertaining these sentiments, as a private citizen, I have no hesitation in expressing my opinion that the American government, disregarding, and declining to be bound by, the award, ought to open a negotiation with Great Britain on the subject of this disputed boundary. I have no apprehensions that such a step would, necessarily, bring on war. Great Britain might have adopted one of two courses: either to proceed to occupy the territory which the sovereign arbiter thinks it would be suitable for her to possess, and signified her determination to do so; or, to communicate to our government her willingness to be governed by the advice of the arbiter, and inquired as to the intentions, on that subject, of this government. The former course would have been harsh, and might have involved the two countries in war. The latter was more respectful, and, having been adopted by Great Britain, it will be natural and easy to return an answer to the diplomatic note which has been received, stating the grounds and arguments which induce the American government to believe itself not bound by what has been done by the King of Holland. Such an answer would be preliminary to a negotiation, which would necessarily follow. It is desirable, undoubtedly, to have all controversies between nations settled, and amicably, if possible. But this is not the only question remaining to be decided between the two powers, and if that mutual respect and friendly disposition which, it is to be hoped, may predominate in the official intercourse between the two countries, should prevail, although the dispute, by the intervention of the Dutch king, has been somewhat complicated, we need not, I think, despair finally of some satisfactory arrangement.

These are my private views, Mr. President. But I think the president has come to the Senate too soon, or come to it in a wrong character. As a part of the executive government, I think the Senate has nothing to do with the question, in the present state of it. Holding this opinion, I shall vote against the resolution reported by the committee on foreign affairs, and I shall vote against any other resolution or proposition which may imply or assume a power in the Senate of the United States to act in the case. The president, it seems to me, is invested, exclusively, with the power of deciding, in the first instance, whether any and what obligations, if any, have been created upon the American government, in consequence of the act of the King of the Netherlands; and whether it be expedient or not to open a negotiation with Great Britain. And I think he should be left to his constitutional responsibility, to pursue such a course as a sense of duty may prompt.

ON PRESIDENT JACKSON'S VETO OF THE BANK BILL.

IN SENATE, JULY 10, 1832.

[GENERAL JACKSON'S hostility to the Bank of the United States, is well understood to have arisen from the refusal of certain officers of the bank to submit to his interference in matters where he had no right. This resistance of the officers was proper; but the will of General Jackson was not a thing to be trifled with. It was rule or ruin with him; and never was the maxim more fully realized than in this case. General Jackson held the fate of the bank in his hand, and was resolved to crush it out, if he could not have his way in the management of its affairs. The connection of the bank with the business of the country, and as the fiscal agent of the Government, was on an immense scale. As the bank had done so well, and become so essential to trade, there was little doubt that its charter would be renewed, and the public depended upon it. The veto, therefore, was a great shock to the business of the country. There were thirty millions of loan to the great West, and probably twice —perhaps thrice—that amount elsewhere; all of which must be paid in the liquidation of the affairs of the bank. The winding up of this bank was a complete break-up of the usual channels of business throughout the country, and it was undoubtedly the primary cause of the great commercial revulsion of 1836–7. For, in the regulation and supply of a sound currency, it would without doubt have prevented that great disaster.

It is singular what an amount and perpetuity of popular prejudice against the Bank of the United States General Jackson was capable of stirring up. A majority of the people think to this day (1856) that the Pennsylvania Bank of the United States was the same which General Jackson vetoed, and that its failure proved that General Jackson was right. The idea of a national bank has been unpopular ever since, and no party could bear the odium of such a policy; and yet the Bank of the

United States was an institution that proved most important to the Government and most useful to the country. No party ever lost any thing by it, and all parties were benefited. It was the best fiscal agent for the government that could be devised; it regulated the currency, and operated as a check on the issues of unsound State banks. But as soon as the national bank was broken up, the State banks rushed into the vacuum, and flooded the country with an unsound currency, the disastrous effects of which have never been entirely effaced, simply because no country, under a high civilization, can do well without a national bank.]

I HAVE some observations to submit on this question, which I would not trespass on the Senate in offering, but that it has some command of leisure, in consequence of the conference which has been agreed upon, in respect to the tariff.

A bill to re-charter the bank, has recently passed Congress, after much deliberation. In this body, we know that there are members enough who entertain no constitutional scruples, to make, with the vote by which the bill was passed, a majority of two thirds. In the House of Representatives, also, it is believed, there is a like majority in favor of the bill. Notwithstanding this state of things, the president has rejected the bill, and transmitted to the Senate an elaborate message, communicating at large his objections. The Constitution requires that we should reconsider the bill, and that the question of its passage, the president's objections notwithstanding, shall be taken by ayes and noes. Respect to him, as well as the injunctions of the Constitution, require that we should deliberately examine his reasons, and reconsider the question.

The veto is an extraordinary power, which, though tolerated by the Constitution, was not expected, by the convention, to be used in ordinary cases. It was designed for instances of precipitate legislation, in unguarded moments. Thus restricted, and it has been thus restricted by all former presidents, it might not be mischievous. During Mr. Madison's administration of eight years, there occurred but two or three cases of its exercise. During the last administration, I do not now recollect that it was once. In a period little upward of three years, the present chief magistrate has employed the veto four times. We now hear quite frequently, in the progress of measures through Congress, the statement that the president will veto them, urged as an objection to their passage.

The veto is hardly reconcilable with the genius of representative government. It is totally irreconcilable with it, if it is to be frequently employed in respect to the expediency of measures, as well as their constitutionality. It is a feature of our government, borrowed from a prerogative of the British king. And it is remarkable, that in England it has grown obsolete, not

having been used for upward of a century. At the commencement of the French Revolution, in discussing the principles of their Constitution, in national convention, the veto held a conspicuous figure. The gay, laughing population of Paris, bestowed on the king the appellation of Monsieur Veto, and on the queen, that of Madame Veto. The convention finally decreed, that if a measure rejected by the king, should obtain the sanction of two concurring legislatures, it should be a law, notwithstanding the veto. In the Constitution of Kentucky, and perhaps in some other of the State Constitutions, it is provided that if, after the rejection of a bill by the governor, it shall be passed by a majority of all the members elected to both Houses, it shall become a law, notwithstanding the governor's objections. As a co-ordinate branch of the government, the chief magistrate has great weight. If, after a respectful consideration of his objections urged against a bill, a majority of all the members elected to the Legislature, shall still pass it, notwithstanding his official influence, and the force of his reasons, ought it not to become a law? Ought the opinion of one man to overrule that of a legislative body, twice deliberately expressed?

It can not be imagined that the Convention contemplated the application of the veto, to a question which has been so long, so often, and so thoroughly scrutinized, as that of the bank of the United States, by every department of the government, in almost every stage of its existence, and by the people, and by the State legislatures. Of all the controverted questions which have sprung up under our government, not one has been so fully investigated as that of its power to establish a bank of the United States. More than seventeen years ago, in January, 1815, Mr. Madison then said, in a message to the Senate of the United States:

"Waiving the question of the constitutional authority of the Legislature to establish an incorporated bank, as being precluded, in my judgment, by repeated recognitions, under varied circumstances, of the validity of such an institution, in acts of the legislative, executive, and judicial branches of the government, accompanied by indications, in different modes, of a concurrence of the general will of the nation."

Mr. Madison, himself opposed to the first bank of the United States, yielded his own convictions to those of the nation, and all the departments of the government thus often expressed. Subsequently to this true but strong statement of the case, the present bank of the United States was established, and numerous other acts, of all the departments of government manifesting their settled sense of the power, have been added to those which existed prior to the date of Mr. Madison's message.

No question has been more generally discussed, within the last two years, by the people at large, and in State Legislatures, than that of the bank. And this consideration of it has been prompted by the president himself. In the first message to Congress (in December, 1829) he brought the subject to the view of that body and the nation, and expressly declared,

that it could not, for the interest of all concerned, be "too soon" settled. In each of his subsequent annual messages, in 1830, and 1831, he again invited the attention of Congress to the subject. Thus, after an interval of two years, and after the intervention of the election of a new Congress, the president deliberately renews the chartering of the bank of the United States. And yet his friends now declare the agitation of the question to be premature! It was not premature, in 1829, to present the question, but it is premature in 1832 to consider and decide it!

After the president had directed public attention to this question, it became not only a topic of popular conversation, but was discussed in the press, and employed as a theme in popular elections. I was myself interrogated, on more occasions than one, to make a public expression of my sentiments; and a friend of mine in Kentucky, a candidate for the State Legislature, told me nearly two years ago, that he was surprised, in an obscure part of his county (the hills of Benson), where there was but little occasion for banks, to find himself questioned on the stump, as to the recharter of the bank of the United States. It seemed as if a sort of general order had gone out from head-quarters, to the partisans of the administration, everywhere, to agitate and make the most of the question. They have done so, and their condition now reminds me of the fable invented by Dr. Franklin, of the eagle and the cat, to demonstrate that Æsop had not exhausted invention, in the construction of his memorable fables. The eagle, you know, Mr. President, pounced from his lofty flight in the air, upon a cat, taking it to be a pig. Having borne off his prize, he quickly felt most painfully the paws of the cat, thrust deeply into his sides and body. While flying, he held a parley with the supposed pig, and proposed to let go his hold, if the other would let him alone. No, says puss, you brought me from yonder earth below, and I will hold fast to you until you carry me back—a condition to which the eagle readily assented.

The friends of the president, who have been for nearly three years agitating this question, now turn round upon their opponents, who have supposed the president quite serious and in earnest, in presenting it for public consideration, and charge them with prematurely agitating it. And that for electioneering purposes! The other side understands perfectly, the policy of preferring an unjust charge, in order to avoid a well-founded accusation.

If there be an electioneering motive in the matter, who have been actuated by it? Those who have taken the president at his word, and deliberated on a measure which he has repeatedly recommended to their consideration? or those who have resorted to all sorts of means to elude the question—by alternately coaxing and threatening the bank; by an extraordinary investigation into the administration of the bank; and by every species of postponement and procrastination, during the progress of the bill.

Notwithstanding all these dilatory expedients, a majority of Congress,

prompted by the will and the best interests of the nation, passed the bill. And I shall now proceed, with great respect and deference, to examine some of the objections to its becoming a law, contained in the president's message, avoiding, as much as I can, a repetition of what gentlemen have said who preceded me.

The president thinks that the precedents, drawn from the proceedings of Congress, as to the constitutional power to establish a bank, are neutralized, by their being two for and two against the authority. He supposes that one Congress, in 1811, and another in 1815, decided against the power. Let us examine both of these cases. The House of Representatives in 1811, passed the bill to recharter the bank, and, consequently, affirmed the power. The Senate, during the same year, were divided, seventeen and seventeen, and the vice-president gave the casting vote. Of the seventeen who voted against the bank, we know from the declaration of the senator from Maryland (General Smith), now present, that he entertained no doubt whatever of the constitutional power of Congress to establish a bank, and that he voted on totally distinct ground. Taking away his vote and adding it to the seventeen who voted for the bank, the number would have stood eighteen for, and sixteen against the power. But we know further, that Mr. Gaillard, Mr. Anderson, and Mr. Robinson, made a part of that sixteen; and that in 1815, all three of them voted for the bank. Take those three votes from the sixteen, and add them to the eighteen, and the vote of 1811, as to the question of constitutional power, would have been twenty-one and thirteen. And of these thirteen, there might have been others, who were not governed in their votes by any doubts of the power.

In regard to the Congress of 1815, so far from their having entertained any scruples in respect to the power to establish a bank, they actually passed a bank bill, and thereby affirmed the power. It is true that, by the casting vote of the speaker of the House of Representatives (Mr. Cheves), they rejected another bank bill, not on grounds of want of power, but upon considerations of expediency in the particular structure of that bank.

Both the adverse precedents, therefore, relied upon in the message, operate directly against the argument which they were brought forward to maintain. Congress, by various other acts, in relation to the bank of the United States, has again and again sanctioned the power. And I believe it may be truly affirmed, that from the commencement of the government to this day, there has not been a Congress opposed to the bank of the United States, upon the distinct ground of a want of power to establish it.

And here, Mr. President, I must request the indulgence to the Senate, while I express a few words in relation to myself.

I voted, in 1811, against the old bank of the United States, and I delivered, on that occasion, a speech, in which, among other reasons, I assigned

that of its being unconstitutional. My speech has been read to the Senate, during the progress of this bill, but the reading of it excited no other regret than that it was read in such a wretched, bungling, mangling manner. During a long public life (I mention the fact not as claiming any merit for it), the only great question on which I have ever changed my opinion, is that of the bank of the United States. If the researches of the senator had carried him a little further, he would, by turning over a few more leaves of the same book from which he read my speech, have found that which I made in 1816, in support of the present bank. By the reasons assigned in it for the change of my opinion, I am ready to abide in the judgment of the present generation and of posterity. In 1816, being Speaker of the House of Representatives, it was perfectly in my power to have said nothing and done nothing, and thus have concealed the change of opinion my mind had undergone. But I did not choose to remain silent and escape responsibility. I chose publicly to avow my actual conversion. The war and the fatal experience of its disastrous events had changed me. Mr. Madison, Governor Pleasants, and almost all the public men around me, my political friends, had changed their opinions from the same causes.

The power to establish a bank is deduced from that clause of the Constitution which confers on Congress all powers necessary and proper to carry into effect the enumerated powers. In 1811, I believed a bank of the United States not necessary, and that a safe reliance might be placed on the local banks, in the administration of the fiscal affairs of the government. The war taught us many lessons, and among others demonstrated the necessity of the bank of the United States, to the successful operations of the government. I will not trouble the Senate with a perusal of my speech in 1816, but ask its permission to read a few extracts:

"But how stood the case in 1816, when he was called upon to examine the powers of the general government to incorporate a national bank? A total change of circumstances was presented—events of the utmost magnitude had intervened.

"A general suspension of specie payments had taken place, and this had led to a train of circumstances of the most alarming nature. He beheld, dispersed over the immense extent of the United States, about three hundred banking institutions, enjoying, in different degrees, the confidence of the public, shaken as to them all, under no direct control of the general government, and subject to no actual responsibility to the State authorities. These institutions were emitting the actual currency of the United States—a currency consisting of paper, on which they neither paid interest or principal, while it was exchanged for the paper of the community, on which both were paid. We saw these institutions, in fact, exercising what had been considered, at all times, and in all countries, one of the highest attributes of sovereignty—the regulation of the current medium of the country. They were no longer competent to assist the treasury in either of the great operations of collection, deposit, or distribution of the public

revenues. In fact, the paper which they emitted, and which the treasury, from the force of events, found itself constrained to receive, was constantly obstructing the operations of that department; for it would accumulate where it was not wanted, and could not be used where it was wanted, for the purposes of government, without a ruinous and arbitrary brokerage. Every man who paid to or received from the government, paid or received as much less than he ought to have done, as was the difference between the medium in which the payment was effected and specie. Taxes were no longer uniform. In New England, where specie payments had not been suspended, the people were called upon to pay larger contributions than where they were suspended. In Kentucky as much more was paid by the people, in their taxes, than was paid, for example, in the State of Ohio, as Kentucky paper was worth more than Ohio paper.

* * * * * * * * *

"Considering, then, that the state of this currency was such that no thinking man could contemplate it without the most serious alarm; that it threatened general distress, if it did not ultimately lead to convulsion and subversion of the government; it appeared to him to be the duty of Congress to apply a remedy, if a remedy could be devised. A national bank, with other auxiliary measures, was proposed as that remedy. Mr. Clay said he determined to examine the question with as little prejudice as possible, arising from his former opinion; he knew that the safest course to him, if he pursued a cold, calculating prudence, was to adhere to that opinion, right or wrong. He was perfectly aware that if he changed, or seemed to change it, he should expose himself to some censure; but, looking at the subject with the light shed upon it, by events happening since the commencement of the war, he could no longer doubt. * * * He preferred to the suggestions of the pride of consistency, the evident interests of the community, and determined to throw himself upon their justice and candor."

The interest which foreigners hold in the existing bank of the United States, is dwelt upon in the message as a serious objection to the recharter. But this interest is the result of the assignable nature of the stock; and if the objection be well founded, it applies to government stock, to the stock in local banks, in canal and other companies, created for internal improvements, and every species of money or movables in which foreigners may acquire an interest. The assignable character of the stock is a quality conferred not for the benefit of foreigners, but for that of our own citizens. And the fact of its being transferred to them is the effect of the balance of trade being against us—an evil, if it be one, which the American system will correct. All governments wanting capital resort to foreign nations possessing it in superabundance, to obtain it. Sometimes the resort is even made by one to another belligerent nation. During our revolutionary war we obtained foreign capital (Dutch and French) to aid us. During the late war American stock was sent to Europe to sell; and if I am not misinformed, to Liverpool. The question does not depend upon the place whence the capital is obtained, but the advantageous use of it. The confidence of foreigners in our stocks is a proof of the solidity of our credit. Foreigners have no voice in the administration of this

bank; and if they buy its stock, they are obliged to submit to citizens of the United States to manage it. The senator from Tennessee (Mr. White), asks what would have been the condition of this country if, during the late war, this bank had existed, with such an interest in it as foreigners now hold? I will tell him. We should have avoided many of the disasters of that war, perhaps those of Detroit and at this place. The government would have possessed ample means for its vigorous prosecution; and the interest of foreigners, British subjects especially, would have operated upon them, not upon us. Will it not be a serious evil to be obliged to remit in specie to foreigners the eight millions which they now have in this bank, instead of retaining that capital within the country to stimulate its industry and enterprise?

The president assigns in his message a conspicuous place to the alleged injurious operation of the bank on the interests of the western people. They ought to be much indebted to him for his kindness manifested toward them; although I think they have much reason to deprecate it. The people of all the West owe to this bank about thirty millions, which have been borowed from it; and the president thinks that the payments for the interest, and other facilities which they derive from the operation of the bank, are so onerous as to produce "a drain of their currency, which no country can bear without inconvenience and occasional distress." His remedy is to compel them to pay the whole of the debt which they have contracted in a period short of four years. Now, Mr. President, if they can not pay the interest without distress, how are they to pay the principal? If they can not pay a part, how are they to pay the whole? Whether the payment of the interest be or be not a burden to them, is a question for themselves to decide, respecting which they might be disposed to dispense with the kindness of the president. If, instead of borrowing thirty millions from the bank, they had borrowed a like sum from a Girard, John Jacob Astor, or any other banker, what would they think of one who would come to them and say, "Gentlemen of the West, it will ruin you to pay the interest on that debt, and therefore I will oblige you to pay the whole of the principal in less than four years." Would they not reply, "We know what we are about; mind your own business; we are satisfied that in ours we can make not only the interest on what we loan, but a fair profit besides."

A great mistake exists about the western operation of the bank. It is not the bank, but the business, the commerce of the West, and the operations of government, that occasion the transfer, annually, of money from the West to the Atlantic States. What is the actual course of things? The business and commerce of the West are carried on with New Orleans, with the southern, and south-western States, and with the Atlantic cities. We transport our dead or inanimate produce to New Orleans, and receive in return checks or drafts of the bank of the United States at a premium of a half per centum. We send by our drovers our live stock to the South

and South-west, and receive similar checks in return. With these drafts or checks our merchants proceed to the Atlantic cities, and purchase domestic or foreign goods for western consumption. The lead and fur trade of Missouri and Illinois is also carried on principally through the bank of the United States. The government also transfers to places where it is wanted, through that bank, the sums accumulated at the different land-offices, for purchases of the public lands.

Now all these varied operations must go on; all these remittances must be made, bank of the United States or no bank. The bank does not create, but facilitate them. The bank is a mere vehicle; just as much so as the steamboat is the vehicle which transports our produce to the great mart of New Orleans, and not the grower of that produce. It is to confound cause and effect, to attribute to the bank the transfer of money from the West to the East. Annihilate the bank to-morrow, and similar transfers of capital, the same description of pecuniary operations, must be continued; not so well, it is true, but performed they must be, ill or well, under any state of circumstances.

The true questions are, how are they now performed, how were they conducted prior to the existence of the bank? how would they be after it ceased? I can tell you what was our condition before the bank was established; and, as I reason from the past to future experience, under analogous circumstances, I can venture to predict what it will probably be without the bank.

Before the establishment of the bank of the United States, the exchange business of the West was carried on by a premium, which was generally paid on all remittances to the East of two and a half per centum. The aggregate amount of all remittances, throughout the whole circle of the year, was very great, and instead of the sum then paid, we now pay half per centum, or nothing, if notes of the bank of the United States be used. Prior to the bank, we were without the capital of the thirty millions which that institution now supplies, stimulating our industry and invigorating our enterprise. In Kentucky, we have no specie-paying bank, scarcely any currency other than that of paper of the bank of the United States and its branches.

How is the West to pay this enormous debt of thirty millions of dollars? It is impossible. It can not be done. General distress, certain, widespread, inevitable ruin, must be the consequences of an attempt to enforce the payment. Depression in the value of all property, sheriffs' sales and sacrifices, bankruptcy, must necessarily ensue, and, with them, relief laws, paper money, a prostration of the courts of justice, evils from which we have just emerged, must again, with all their train of afflictions, revisit our country. But it is argued by the gentleman from Tennessee (Mr. White), that similar predictions were made, without being realized, from the downfall of the old bank of the United States. It is, however, to be recollected that the old bank did not possess one third of the capital of the present;

that it had but one office west of the mountains, while the present has nine; and that it had little or no debt due to it in that quarter, while the present bank has thirty millions. The war, too, which shortly followed the downfall of the old bank, and the suspension of specie payments, which soon followed the war, prevented the injury apprehended from the discontinuance of the old bank.

The same gentleman further argues that the day of payment must come; and he asks when, better than now? Is it to be indefinitely postponed? is the charter of the present bank to be perpetual? Why, Mr. President, all things—governments, republics, empires, laws, human life—doubtless are to have an end; but shall we therefore accelerate their termination? The West is now young, wants capital, and its vast resources, needing nourishment, are daily developing. By-and-by, it will accumulate wealth from its industry and enterprise, and possess its surplus capital. The charter is not made perpetual, because it is wrong to bind posterity perpetually. At the end of the term limited for its renewal, posterity will have the power of determining for itself, whether the bank shall then be wound up, or prolonged another term. And that question may be decided, as it now ought to be, by a consideration of the interests of all parts of the Union, the West among the rest. Sufficient for the day is the evil thereof.

The president tells us, that if the executive had been called upon to furnish the project of a bank, the duty would have been cheerfully performed; and he states that a bank, competent to all the duties which may be required by the government, might be so organized as not to infringe on our own delegated powers, or the reserved rights of the States. The president is a co-ordinate branch of the legislative department. As such, bills which have passed both Houses of Congress are presented to him for his approval or rejection. The idea of going to the president for the project of a law, is totally new in the practice, and utterly contrary to the theory of the government. What should we think of the Senate calling upon the House, or the House upon the Senate, for the project of a law?

In France, the king possessed the initiative of all laws, and none could pass without its having been previously presented to one of the chambers by the crown through the ministers. Does the president wish to introduce the initiative here? Are the powers of recommendation, and that of veto, not sufficient? Must all legislation, in its commencement and in its termination concentrate in the president? When we shall have reached that state of things, the election and annual session of Congress will be a useless charge upon the people, and the whole business of government may be economically conducted by ukases and decrees.

Congress does sometimes receive the suggestions, and opinions of the heads of departments, as to new laws. And, at the commencement of this session, in his annual report, the Secretary of the Treasury stated his reasons at large, not merely in favor of a bank, but in support of the renewal

of the charter of the existing bank. Who could have believed that that responsible officer was communicating to Congress opinions directly adverse to those entertained by the president himself? When before has it happened, that the head of a department recommended the passage of a law which, being accordingly passed and presented to the president, is subjected to his veto? What sort of a bank it is, with a project of which the president would have deigned to furnish Congress, if they had applied to him, he has not stated. In the absence of such statement, we can only conjecture that it is his famous treasury bank, formerly recommended by him, from which the people have recoiled with the instinctive horror excited by the approach of the cholera.

The message states, that "an investigation unwillingly conceded, and so restricted in time as necessarily to make it incomplete and unsatisfactory, discloses enough to excite suspicion and alarm." As there is no prospect of the passage of this bill, the president's objections notwithstanding, by a constitutional majority of two thirds, it can never reach the House of Representatives. The members of that House, and especially its distinguished chairman of the committee of ways and means, who reported the bill, are, therefore, cut off from all opportunity of defending themselves. Under these circumstances, allow me to ask how the president has ascertained that the investigation was unwillingly conceded? I have understood directly the contrary; and that the chairman, already referred to, as well as other members in favor of the renewal of the charter, promptly consented to and voted for the investigation. And we all know that those in support of the renewal could have prevented the investigation, and that they did not. But suspicion and alarm have been excited! SUSPICION AND ALARM! Against whom is this suspicion? The House, or the bank, or both?

Mr. President, I protest against the right of any chief magistrate to come into either House of Congress, and scrutinize the motives of its members; to examine whether a measure has been passed with promptitude or repugnance; and to pronounce upon the willingness or unwillingness with which it has been adopted or rejected. It is an interference in concerns which partake of a domestic nature. The official and constitutional relations between the president and the two Houses of Congress subsist with them as organized bodies. His action is confined to their consummated proceedings, and does not extend to measures in their incipient stages, during their progress through the Houses, nor to the motives by which they are actuated. There are some parts of this message that ought to excite deep alarm; and that especially in which the president announces, that each public officer may interpret the Constitution as he pleases. His language is, "Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others." * * * "The opinion of the judges has no more authority over Congress than the opinion of Congress has

over the judges; and on that point the president is independent of both." Now, Mr. President, I conceive, with great deference, that the president has mistaken the purport of the oath to support the Constitution of the United States. No one swears to support it as he understands it, but to support it simply as it is in truth. All men are bound to obey the laws, of which the Constitution is the supreme; but must they obey them as they are, or as they understand them? If the obligation of obedience is limited and controlled by the measure of information; in other words, if the party is bound to obey the Constitution only *as he understands it;* what would be the consequence? The judge of an inferior court would disobey the mandate of a superior tribunal, because it was not in conformity to the Constitution, *as he understands it;* a custom-house officer would disobey a circular from the treasury department, because contrary to the Constitution, *as he understands it;* an American minister would disregard an instruction from the president, communicated from the Department of State, because not agreeable to the Constitution, *as he understands it;* and a subordinate officer in the army or navy, would violate the orders of his superior, because they were not in accordance with the Constitution, *as he understands it.* We should have nothing settled, nothing stable, nothing fixed. There would be general disorder and confusion throughout every branch of administration, from the highest to the lowest officers—universal nullification. For what is the doctrine of the president but that of South Carolina applied throughout the Union? The president independent both of Congress and the Supreme Court! only bound to execute the laws of the one and the decisions of the other, as far as they conform to the Constitution of the United States, *as far as he understands it!* Then it should be the duty of every president, on his installation into office, to carefully examine all the acts in the statute book, approved by his predecessors, and mark out those which he was resolved not to execute, and to which he meant to apply this new species of veto, because they were repugnant to the Constitution *as he understands it.* And, after the expiration of every term of the Supreme Court, he should send for the record of its decisions, and discriminate between those which he would, and those which he would not, execute, because they were or were not agreeable to the Constitution, *as he understands it.*

There is another constitutional doctrine contained in the message, which is entirely new to me. It asserts that "the government of the United States have no constitutional power to purchase lands within the States," except "for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;" and even for these objects, only "by the consent of the Legislature of the State in which the same shall be." Now sir, I had supposed that the right of Congress to purchase lands in any State was incontestable; and, in point of fact, it probably at this moment owns land in every State of the Union, purchased for taxes, or as a judgment or mortgage creditor. And there are various acts of Congress which regulate the

purchase and transfer of such lands. The advisers of the president have confounded the faculty of purchasing lands with the exercise of exclusive jurisdiction, which is restricted by the Constitution to the forts and other buildings described.

The message presents some striking instances of discrepancy. First, it contests the right to establish one bank, and objects to the bill that it limits and restrains the power of Congress to establish several. Second, it urges that the bill does not recognize the power of State taxation generally; and complains that facilities are afforded to the exercise of that power in respect to the stock held by individuals. Third, it objects that any bonus is taken, and insists that not enough is demanded. And fourth, it complains that foreigners have too much influence, and that stock transferred loses the privilege of representation in the elections of the bank, which, if it were retained, would give them more.

Mr. President, we are about to close one of the longest and most arduous sessions of Congress under the present Constitution; and when we return among our constituents, what account of the operations of their government shall we be bound to communicate? We shall be compelled to say, that the Supreme Court is paralyzed, and the missionaries retained in prison in contempt of its authority, and in defiance of numerous treaties and laws of the United States; that the executive, through the Secretary of the Treasury, sent to Congress a tariff bill which would have destroyed numerous branches of our domestic industry, and to the final destruction of all; that the veto has been applied to the bank of the United States, our only reliance for a sound and uniform currency; that the Senate has been violently attacked for the exercise of a clear constitutional power; that the House of Representatives have been unnecessarily assailed; and that the president has promulgated a rule of action for those who have taken the oath to support the Constitution of the United States, that must, if there be practical conformity to it, introduce general nullification, and end in the absolute subversion of the government.

THE COMPROMISE TARIFF.

IN SENATE, FEBRUARY 12, 1833.

[We find Mr. Clay, in this speech, occupying one of his eminently historical positions—an epoch of his growing fame. When he came to Washington, at the opening of the second session of the Twenty-second Congress, South Carolina had passed her laws of nullification, and President Jackson had issued his proclamation, that the federal laws involved in the controversy would be executed. Here was a civil war declared, and it was not easy to see how a collision would be avoided. But, in this state of things, a new demonstration turned up, by the action of South Carolina, to wit, that she had not yet resolved on any thing further than a trial in the courts of the questions in dispute. Mr. Clay, who had considered a collision inevitable, from the previous aspects of the case, on this new phase, instantly conceived a mode of conciliation. President Jackson, finding his precipitate movement disapproved throughout the entire South, sought a method of retreat by prompting his friends in Congress to bring forward a new tariff bill, which soon appeared in the House of Representatives under the name of Mr. Verplanck's bill. This bill was constructed so as to break down the system of protection, and if it had passed, would doubtless have satisfied South Carolina. General Jackson, who was always, when left to his passions, running into extremes, and who was never a statesman, did not, perhaps, see the immense calamity which such a measure as Mr. Verplanck's bill, consummated, would bring upon the country, and willing to do Mr. Clay and his friends a disservice, threw all the weight of his influence on the side of the new measure. The greatest promptitude was demanded of Mr. Clay to anticipate and ward off this movement by a measure of his own, and with little aid but his own intuitive perceptions, he brought forward in the Senate his famous Compromise Tariff of 1833. It took both Houses of Congress and the whole country by surprise, and the first impression

was decidedly favorable. It was doubtless one of the boldest measures which a statesman ever conceived. To have been sustained in it at the time, by large majorities in both Houses of Congress, and afterward to realize from it the approbation and gratitude of all parties of the American people, North and South, was a signal triumph of genius. Nothing but a genius of an extraordinary character could have devised such a complicated measure so suddenly, and adapted it to the exigences of the case. The following is the speech by which he introduced it to the Senate.]

I YESTERDAY, sir, gave notice that I should ask leave to introduce a bill to modify the various acts imposing duties on imports. I at the same time added, that I should, with the permission of the Senate, offer an explanation of the principle on which that bill is founded. I owe, sir, an apology to the Senate for this course of action, because, although strictly parliamentary, it is, nevertheless, out of the usual practice of this body; but it is a course which I trust that the Senate will deem to be justified by the interesting nature of the subject. I rise, sir, on this occasion, actuated by no motives of a private nature, by no personal feelings, and for no personal objects; but exclusively in obedience to a sense of the duty which I owe to my country. I trust, therefore, that no one will anticipate on my part any ambitious display of such humble powers as I may possess. It is sincerely my purpose to present a plain, unadorned, and naked statement of facts connected with the measure which I shall have the honor to propose, and with the condition of the country. When I survey, sir, the whole face of our country, I behold all around me evidences of the most gratifying prosperity, a prospect which would seem to be without a cloud upon it, were it not that through all parts of the country there exist great dissensions and unhappy distinctions, which, if they can possibly be relieved and reconciled by any broad scheme of legislation adapted to all interests, and regarding the feelings of all sections, ought to be quieted; and leading to which object any measure ought to be well received.

In presenting the modification of the tariff laws, which I am now about to submit, I have two great objects in view. My first object looks to the tariff. I am compelled to express the opinion, formed after the most deliberate reflection, and on full survey of the whole country, that, whether rightfully or wrongfully, the tariff stands in imminent danger. If it should be preserved during this session, it must fall at the next session. By what circumstances, and through what causes has arisen the necessity for this change in the policy of our country, I will not pretend now to elucidate. Others there are, who may differ from the impressions which my mind has received upon this point. Owing, however, to a variety of concurrent

causes, the tariff, as it now exists, is in imminent danger, and if the system can be preserved beyond the next session, it must be by some means not now within the reach of human sagacity. The fall of that policy, sir, would be productive of consequences calamitous indeed. When I look to the variety of interests which are involved, to the number of individuals interested, the amount of capital invested, the value of the buildings erected, and the whole arrangement of the business for the prosecution of the various branches of the manufacturing art, which have sprung up under the fostering care of this government, I can not contemplate any evil equal to the sudden overthrow of all those interests. History can produce no parallel to the extent of the mischief which would be produced by such a disaster. The repeal of the edict of Nantes itself was nothing in comparison with it. That condemned to exile, and brought to ruin, a great number of persons. The most respectable portion of the population of France was condemned to exile and ruin by that measure. But in my opinion, sir, the sudden repeal of the tariff policy would bring ruin and destruction on the whole people of this country. There is no evil, in my opinion, equal to the consequences which would result from such a catastrophe.

What, sir, are the complaints which unhappily divide the people of this great country? On the one hand it is said, by those who are opposed to the tariff, that it unjustly taxes a portion of the people, and paralyzes their industry; that it is to be a perpetual operation; that there is to be no end to the system; which, right or wrong, is to be urged to their inevitable ruin. And what is the just complaint, on the other hand, of those who support the tariff? It is, that the policy of the government is vacillating and uncertain, and that there is no stability in our legislation. Before one set of books is fairly opened, it becomes necessary to close them, and to open a new set. Before a law can be tested by experiment, another is passed. Before the present law has gone into operation; before it is yet nine months old; passed, as it was, under circumstances of extraordinary deliberation, the fruit of nine months' labor; before we know any thing of its experimental effects, and even before it commences its operations; we are required to repeal it. On one side we are urged to repeal a system which is fraught with ruin; on the other side, the check now imposed on enterprise, and the state of alarm in which the public mind has been thrown, render all prudent men desirous, looking ahead a little way, to adopt a state of things, on the stability of which they may have reason to count. Such is the state of feeling on the one side and on the other. I am anxious to find out some principle of mutual accommodation, to satisfy, as far as practicable, both parties—to increase the stability of our legislation; and at some distant day—but not too distant, when we take into view the magnitude of the interests which are involved—to bring down the rate of duties to that revenue standard, for which our opponents have so long contended. The basis on which I wish to found this modification is one

of time; and the several parts of the bill to which I am about to call the attention of the Senate, are founded on this basis. I propose to give protection to our manufactured articles, adequate protection for a length of time, which, compared with the length of human life, is very long, but which is short, in proportion to the legitimate discretion of every wise and parental system of government; securing the stability of legislation, and allowing time for a gradual reduction on one side, and on the other proposing to reduce the duties to that revenue standard, for which the opponents of the system have so long contended. I will now proceed to lay the provisions of the bill before the Senate, with a view to draw their attention to the true character of the bill.

(Mr. Clay then proceeded to read the first section of the bill.)

According to this section, it will be perceived that it is proposed to come down to the revenue standard at the end of little more than nine years and a half, giving a protection to our own manufactures which I hope will be adequate, during the intermediate time.

[Mr. Clay here recapitulated the provisions of the sections, and showed by various illustrations how they would operate; and then proceeded to read and comment upon the second section of the bill.]

It will be recollected, that at the last session of Congress, with a view to make a concession to the southern section of the country, low-priced woolens, those supposed to enter into the consumption of slaves and the poorer classes of persons, were taken out of the general class of duties on woolens, and the duty on them reduced to five per centum. It will be also recollected, that at that time the gentlemen from the South said that this concession was of no consequence, and that they did not care for it, and I believe that they do not now consider it of any greater importance. As, therefore, it has failed of the purpose for which it was taken out of the common class, I think it ought to be brought back again, and placed by the side of the other description of woolens, and made subject to the same reduction of duty as proposed by this section.

[Having next read through the third section of the bill, Mr. Clay said:]

After the expiration of a term of years, this section lays down a rule by which the duties are to be reduced to the revenue standard, which has been so long and so earnestly contended for. Until otherwise directed, and in default of provision being made for the wants of the government in 1842, a rule is thus provided for the rate of duties thereafter, Congress being, in the mean time, authorized to adopt any other rule which the exigences of the country, or its financial condition, may require. That is to say, if, instead of the duty of twenty per centum proposed, fifteen or seventeen per centum of duty is sufficient, or twenty-five per centum should be found necessary, to produce a revenue to defray the expenses of an econom-

ical administration of the government, there is nothing to prevent either of those rates, or any other, from being fixed upon; while the rate of twenty per centum is introduced to guard against any failure on the part of Congress to make the requisite provision in due season.

This section of the bill contains also another clause, suggested by that spirit of harmony and conciliation which I pray may preside over the councils of the Union at this trying moment. It provides (what those persons who are engaged in manufactures have so long anxiously required for their security) that duties shall be paid in ready money; and we shall thus get rid of the whole of that credit system, into which an inroad was made, in regard to woolens, by the act of the last session. This section further contains a proviso that nothing in any part of this act shall be construed to interfere with the freest exercise of the power of Congress to lay any amount of duties, in the event of war breaking out between this country and any foreign power.

[Mr. Clay then read the fourth section of the bill.]

One of the considerations strongly urging for a reduction of the tariff at this time is, that the government is likely to be placed in a dilemma by having an overflowing revenue; and this apprehension is the ground of an attempt totally to change the protective policy of the country. The section which I have read is an effort to guard against this evil, by relieving altogether from duty a portion of the articles of import now subject to it. Some of these would, under the present rate of duty upon them, produce a considerable revenue; the article of silks alone would yield half a million of dollars per annum. If it were possible to pacify present dissensions, and let things take their course, I believe that no difficulty need be apprehended. If the bill which this body passed at the last session of Congress, and has again passed at this session, shall pass the other House, and become a law, and the gradual reduction of duties should take place which is contemplated by the first section of this bill, we shall have settled two (if not three) of the great questions which have agitated this country, that of the tariff, of the public lands, and, I will add, of internal improvement also. For, if there should still be a surplus revenue, that surplus might be applied, until the year 1842, to the completion of the works of internal improvement already commenced; and, after 1842, a reliance for all funds for purposes of internal improvement should be placed upon the operation of the land bill, to which I have already referred.

It is not my object, in referring to that measure in connection with that which I am about to propose, to consider them as united in their fate, being desirous, partial as I may be to both, that each shall stand or fall upon its own intrinsic merits. If this section of the bill, adding to the number of free articles, should become law, along with the reduction of duties proposed by the first section of the bill, it is by no means sure that we shall have any surplus revenue at all. I have been astonished indeed

at the process of reasoning by which the Secretary of the Treasury has arrived at the conclusion, that we shall have a surplus revenue at all, though I admit that such a conclusion can be arrived at in no other way. But what is this process? Duties of a certain rate now exist. The amount which they produce is known; the secretary, proposing a reduction of the rate of duty, supposes that the duties will be reduced in proportion to the amount of the reduction of duty. Now no calculation can be more uncertain than that. Though perhaps the best that the secretary could have made, all is still all uncertainty; dependent upon the winds and waves, on the mutations of trade, and on the course of commercial operations. If there is any truth in political economy, it can not be that result will agree with the prediction; for we are instructed by all experience that the consumption of any article is in proportion to the reduction of its price, and that in general it may be taken as a rule, that the duty upon an article forms a portion of its price. I do not mean to impute any improper design to any one; but, if it had been so intended, no scheme for getting rid of the tariff could have been more artfully devised to effect its purposes, than that which thus calculated the revenue, and, in addition, assumed that the expenditure of the government every year would be so much, and so forth. Can any one here say what the future expenditure of the government will be? In this young, great, and growing community, can we say what will be the expenditure of the government even a year hence, much less what it will be three, or four, or five years hence? Yet it has been estimated, on assumed amounts, founded on such uncertain data, both of income and expenditure, that the revenue might be reduced so many millions a year!

I ask pardon for this digression, and return to the examination of articles in the fourth section, which are proposed to be left free of duty. The duties on these articles now vary from five to ten per centum *ad valorem;* but low as they are, the aggregate amount of revenue which they produce is considerable. By the bill of the last session, the duties on French silks was fixed at five per centum, and that on Chinese silks at ten per centum *ad volorem.* By the bill now proposed the duty on French silks is proposed to be repealed, leaving the other untouched. I will frankly state why I made this distinction. It has been a subject of anxious desire with me to see our commerce with France increased. France, though not so large a customer in the great staples of our country as Great Britain, is a great growing customer. I have been much struck with a fact going to prove this, which accidentally came to my knowledge the other day; which is, that within the short period of fourteen years, the amount of consumption in France of the great southern staple of cotton has been tripled. Again, it is understood that the French silks of the lower grades of quality can not sustain a competition with the Chinese without some discrimination of this sort. I have understood, also, that the duty imposed upon this article at the last session has been very much complained of on the part of France; and, considering all the circumstances connected with the relations

between the two governments, it appears to me to be desirable to make this discrimination in favor of the French product. If the Senate should think differently, I shall be content. If, indeed, they should think proper to strike out this section altogether, I shall cheerfully submit to their decision.

[After reading the fifth and sixth sections, Mr. Clay said:]

I will now take a few of some of the objections which will be made to the bill. It may be said that the act is prospective, that it binds our successors, and that we have no power thus to bind them. It is true that the act is prospective, and so is almost every act which we ever passed, but we can repeal it the next day. It is the established usage to give all acts a prospective operation. In every tariff there are some provisions which go into operation immediately, and others at a future time. Each Congress legislate according to their own views of propriety; their act does not bind their successors, but creates a species of public faith, which will not rashly be broken. But if this bill shall go into operation, as I hope, even against hope, that it may, I doubt not that it will be adhered to by all parties. There is but one contingency which will render a change necessary, and that is the intervention of a war, which is provided for in the bill. The hands of Congress are left untied in this event, and they will be at liberty to resort to any mode of taxation, which they may propose. But if we suppose peace to continue, there will be no motive for disturbing the arrangement, but on the contrary, every motive to carry it into effect. In the next place, it will be objected to the bill, by the friends of the protective policy, of whom I hold myself to be one, for my mind is immutably fixed in favor of that policy, that it abandons the power of protection. But I contend, in the first place, that a suspension of the exercise of the power is not an abandonment of it; for the power is in the Constitution according to our theory, was put there by its framers, and can only be dislodged by the people. After the year 1842, the bill provides that the power shall be exercised in a certain mode. There are four modes by which the industry of the country can be protected.

First, the absolute prohibition of rival foreign articles that are totally unattempted by the bill; but it is competent to the wisdom of the govern ment to exert the power whenever they wish. Second, the imposition of duties in such a manner as to have no reference to any object but revenue. When we had a large public debt in 1816, the duties yielded thirty-seven millions, and paid so much more of the debt, and subsequently they yielded but eight or ten millions, and paid so much less of the debt. Sometimes we have to trench on the sinking-fund. Now we have no public debt to absorb the surplus revenue, and no motive for continuing the duties. No man can look at the condition of the country, and say that we can carry on this system with accumulating revenue, and no practical way of expending it. The third mode was attempted last session, in a resolution

which I had the honor to submit last year, and which in fact ultimately formed the basis of the act which finally passed both Houses. This was to raise as much revenue as was wanted for the use of the government, and no more, but to raise it from the protected and not from the unprotected articles. I will say, that I regret most deeply that the greater part of the country will not suffer this principle to prevail. It ought to prevail; and the day, in my opinion, will come, when it will be adopted as the permanent policy of the country. Shall we legislate for our own wants or that of a foreign country? To protect our own interests in opposition to foreign legislation was the basis of this system. The fourth mode in which protection can be afforded to domestic industry, is to admit free of duty every article which aided the operations of the manufacturers. These are the four modes for protecting our industry; and to those who say the bill abandons the power of protection, I reply, that it does not touch that power; and that the fourth mode, so far from being abandoned, is extended and upheld by the bill. The most that can be objected to the bill by those with whom I co-operate to support the protective system, is, that, in consideration of nine and a half years of peace, certainty, and stability, the manufacturers relinquished some advantages which they now enjoy. What is the principle which has always been contended for in this and in the other House? After the accumulation of capital and skill, the manufacturers will stand alone, unaided by the government, in competition with the imported articles from any quarter. Now give us time; cease all fluctuations and agitations, for nine years, and the manufacturers in every branch will sustain themselves against foreign competition. If we can see our way clearly for nine years to come, we can safely leave to posterity to provide for the rest. If the tariff be overthrown, as may be its fate next session, the country will be plunged into extreme distress and agitation. I want harmony. I wish to see the restoration of those ties which have carried us triumphantly through two wars. I delight not in this perpetual turmoil. Let us have peace, and become once more united as a band of brothers.

It may be said that the farming interest can not subsist under a twenty per centum *ad valorem* duty, My reply is, "Sufficient for the day is the evil thereof." I will leave it to the day when the reduction takes effect to settle the question. When the reduction takes place, and the farmer can not live under it, what will he do? I will tell you what he ought to do. He ought to try it—make a fair experiment of it—and if he can not live under it, let him come here and say that he is bankrupt and ruined. If then nothing can be done to relieve him, sir, I will not pronounce the words, for I will believe that something will be done, and that relief will be afforded, without hazarding the peace and integrity of the Union. The confederacy is an excellent contrivance. but it must be managed with delicacy and skill. There are an infinite variety of prejudices and local interests to be regarded, but all should be made to yield to the Union.

If the system proposed can not be continued, let us try some intermediate system before we think of any other dreadful alternative. Sir, it will be said, on the other hand—for the objections are made by the friends of protection, principally—that the time is too long; that the intermediate reductions are too inconsiderable, and that there is no guaranty that, at the end of the time stipulated, the reduction proposed would be allowed to take effect. In the first place, should be recollected the diversified interests of the country; the measures of the government which preceded the establishment of manufactures; the public faith in some degree pledged for their security; and the ruin in which rash and hasty legislation would involve them. I will not dispute about terms. It would not, in a court of justice, be maintained that the public faith is pledged for the protection of manufactures; but there are other pledges which men of honor are bound by besides those of which the law can take cognizance.

If we excite, in our neighbor, a reasonable expectation which induces him to take a particular course of business, we are in honor bound to redeem the pledge thus tacitly given. Can any man doubt that a large portion of our citizens believed that the system would be permanent? The whole country expected it. The security against any change of the system proposed by the bill, is in the character of the bill, as a compromise between two conflicting parties. If the bill should be taken by common consent, as we hope it will be, the history of the revenue will be a guaranty of its permanence. The circumstances under which it was passed will be known and recorded; and no one will disturb a system which was adopted with a view to give peace and tranquillity to the country.

The descending gradations by which I propose to arrive at the minimum of duties, must be gradual. I never would consent to any precipitate operation to bring distress and ruin on the community.

Now, viewing it in this light, it appears that there are eight years and a half, and nine years and a half, taking the ultimate time, which would be an efficient protection, the remaining duties will be withdrawn by a biennial reduction. The protective principle must be said to be, in some measure, relinquished at the end of eight years and a half. This period can not appear unreasonable, and I think that no member of the Senate, or any portion of the country, ought to make the slightest objection. It now remains for me to consider the other objection—the want of guaranty to there being an ulterior continuance of the duties imposed by the bill, on the expiration of the term which it prescribes. The best guaranty will be found in the circumstances under which the measure would be passed. If it passes by common consent; if it is passed with the assent of a portion—a considerable portion of those who have directly hitherto supported this system, and by a considerable portion of those who opposed it—if they declare their satisfaction with the measure, I have no doubt the rate of duties guarantied will be continued after the expiration of the term, if the country continues at peace. And, at the end of the term, when the ex-

periment will have been made of the efficiency of the mode of protection fixed by the bill, while the constitutional question has been suffered to lie dormant, if war should render it necessary, protection might be carried up to prohibition; while if the country should remain at peace, and this measure go into full operation, the duties will be gradually lowered down to the revenue standard, which has been so earnestly wished for.

But suppose that I am wrong in all these views, for there are no guaranties, in one sense of the term, of human infallibility. Suppose a different state of things in the South; that this Senate, from causes which I shall not dwell upon now, but which are obvious to every reflecting man in this country—causes which have operated for years past, and which continue to operate—suppose, for a moment, that there should be a majority in the Senate, in favor of the southern views, and that they should repeal the whole system at once, what guaranty would we have that the repealing of the law would not destroy those great interests which it is so important to preserve? What guaranty will you have that the thunders of those powerful manufacturers will not be directed against your capitol, because of this abandonment of their interests, and because you have given them no protection against foreign legislation? Sir, if you carry your measure of repeal without the consent, at least, of a portion of those who are interested in the preservation of manufactures, you have no security, no guaranty, no certainty, that any protection will be continued. But if the measure should be carried by the common consent of both parties, we shall have all security; history will faithfully record the transaction; narrate under what circumstances the bill was passed; that it was a pacifying measure; that it was as oil poured from the vessel of the Union to restore peace and harmony to the country. When all this was known, what Congress, what Legislature, would mar the guaranty? What man who is entitled to deserve the character of an American statesman, would stand up in his place in either House of Congress, and disturb this treaty of peace and amity?

Sir, I will not say that it may not be disturbed. All that I say is, that here is all the reasonable security that can be desired by those on the one side of the question, and much more than those on the other would have by any unfortunate concurrence of circumstances. Such a repeal of the whole system should be brought about as would be cheerfully acquiesced in by all parties in this country. All parties may find in this measure some reasons for objection. And what human measure is there which is free from objectionable qualities? It has been remarked, and justly remarked, by the great father of our country himself, that if that great work which is the charter of our liberties, and under which we have so long flourished, had been submitted, article by article, to all the different States composing this Union, that the whole would have been rejected; and yet when the whole was presented together, it was accepted as a whole. I will admit that my friends do not get all they could wish for; and the

gentlemen on the other side do not obtain all they might desire; but both will gain all that in my humble opinion is proper to be given in the present condition of this country. It may be true that there will be loss and gain in this measure. But how is this loss and gain distributed? Among our countrymen. What we lose, no foreign land gains; and what we gain, will be no loss to any foreign power. It is among ourselves the distribution takes place. The distribution is founded on that great principle of compromise and concession which lies at the bottom of our institutions, which gave birth to the Constitution itself, and which has continued to regulate us in our onward march, and conducted the nation to glory and renown.

It remains for me now to touch another topic. Objections have been made to all legislation at this session of Congress, resulting from the attitude of one of the States of this confederacy. I confess that I felt a very strong repugnance to any legislation at all on this subject at the commencement of the session, principally because I misconceived the purposes, as I found from subsequent observation, which that State has in view. Under the influence of more accurate information, I must say that the aspect of things since the commencement of the session has, in my opinion, greatly changed. When I came to take my seat on this floor, I had supposed that a member of this Union had taken an attitude of defiance and hostility against the authority of the general government. I had imagined that she had arrogantly required that we should abandon at once a system which had long been the settled policy of this country. Supposing that she had manifested this feeling, and taken up this position, I had in consequence, felt a disposition to hurl defiance back again, and to impress upon her the necessity of the performance of her duties as a member of this Union. But since my arrival here, I find that South Carolina does not contemplate force, for it is denied and denounced by that State. She disclaims it; and asserts that she is merely making an experiment. That experiment is this: by a course of State legislation, and by a change in her fundamental laws, she is endeavoring by her civil tribunals to prevent the general government from carrying the laws of the United States into operation within her limits. That she has professed to be her object. Her appeal is not to arms, but to another power; not to the sword, but to the law. I must say, and I will say it with no intention of disparaging that State, or any other of the States, it is a feeling unworthy of her. As the purpose of South Carolina is not that of force, this at once disarms, divests legislation of one principal objection, which, it appears to me, existed against it at the commencement of this session. Her purposes are all of a civil nature. She thinks she can oust the United States from her limits; and unquestionably she has taken good care to prepare her judges beforehand by swearing them to decide in her favor. If we submitted to her, we should thus stand but a poor chance of obtaining justice. She disclaims any intention of resorting to force unless we should find it indispensable to execute the laws of the Union by applying force to her. It seems to

me the aspect of the attitude of South Carolina has changed; or rather, the new light which I have obtained, enables me to see her in a different attitude; and I have not truly understood her until she passed her laws, by which it was intended to carry her ordinance into effect. Now, I venture to predict that the State to which I have referred must ultimately fail in her attempt. I disclaim any intention of saying any thing to the disparagement of that State. Far from it. I think that she has been rash, intemperate, and greatly in error; and, to use the language of one of her own writers, made up an issue unworthy of her. From one end to the other of this continent, by acclamation, as it were, nullification has been put down, and put down in a manner more effectually than by a thousand wars or a thousand armies—by the irresistible force, by the mighty influence of public opinion. Not a voice beyond the single State of South Carolina has been heard in favor of the principle of nullification, which she has asserted by her own ordinance; and I will say, that she must fail in her lawsuit. I will express two opinions; the first of which is, that it is not possible for the ingenuity of man to devise a system of State legislation to defeat the execution of the laws of the United States, which can not be countervailed by federal legislation.

A State might take it upon herself to throw obstructions in the way of the execution of the laws of the federal government; but federal legislation can follow at her heels quickly, and successfully counteract the course of State legislation. The framers of the Constitution foresaw this, and the Constitution has guarded against it. What has it said? It is declared, in the clause enumerating the powers of this government, that Congress shall have all power to carry into effect all the powers granted by the Constitution, in any branch of the government under the sweeping clause; for they have not specified contingences, because they could not see what was to happen; but whatever powers were necessary, all, all are given to this government by the fundamental law, necessary to carry into effect those powers which are vested by that Constitution in the federal government. That is one reason. The other is, that it is not possible for any State, provided this government is administered with prudence and propriety, so to shape its laws as to throw upon the general government the responsibility of first resorting to the employment of force; but, if force at all is employed, it must be by State legislation, and not federal legislation; and the responsibility of employing that force must rest with, and attach to, the State itself.

I shall not go into the details of this bill. I merelythrow out these sentiments for the purpose of show you, that South Carolina, having declared her purpose to be this, to make an experiment whether, by a course of legislation, in a conventional form, or a legislative form of enactment, she can defeat the execution of certain laws of the United States, I for one, will express my opinion, that I believe it is utterly impracticable, whatever course of legislation she may choose to adopt, for her to succeed. I am

ready, for one, to give the tribunals and the executive of the country, whether that executive has or has not my confidence, the necessary measures of power and authority to execute the laws of the Union. But I would not go a hair's breadth further than what was necessary for those purposes. Up to that point I would go, and cheerfully go; for it is my sworn duty, as I regard it, to go to that point.

Again; taking this view of the subject, South Carolina is doing nothing more, except that she is doing it with more rashness, than some other States have done—that respectable State, Ohio, and, if I am not mistaken, the State of Virginia also. An opinion prevailed some years ago, that if you put the laws of a State into a penal form, you could oust federal jurisdiction out of the limits of that State, because the State tribunals had an exclusive jurisdiction over penalties and crime, and it was inferred that no federal court could wrest the authority from them. According to that principle, the State of Ohio passed the laws taxing the branch of the United States bank, and high penalties were to be enforced against every person who should attempt to defeat her taxation. The question was tried. It happened to be my lot to be counsel at law to bring the suit against the State, and to maintain the federal authority. The trial took place in the State of Ohio; and it is one of the many circumstances which redounds to the honor of that patriotic State, that she submitted to the federal force. I went to the office of the public treasury myself, to which was taken the money of the bank of the United States, it having remained there in sequestration until it was peaceably rendered, in obedience to the decision of the court, without any appeal to arms. In a building which I had to pass in order to reach the treasury, I saw the most brilliant display of arms and musketry that I ever saw in my life; but not one was raised, or threatened to be raised, against the due execution of the laws of the United States, when they were then enforced. In Virginia (but I am not sure that I am correct in the history of it,) there was a case of this kind. Persons were liable to penalties for selling lottery tickets. It was contended that the State tribunals had an exclusive jurisdiction over the subject. The case was brought before the Supreme Court; the parties were a Mr. Myers and somebody else, and it decided, as it must always decide, no matter what obstruction, no matter what the State law may be, the constitutional laws of the United States must follow and defeat it, in its attempt to arrest the federal arm in the exercise of its lawful authority. South Carolina has attempted, and, I repeat, it in a much more offensive way attempted, to defeat the execution of the laws of the United States. But it seems, that, under all the circumstances of the case, she has, for the present, determined to stop here, in order that, by our legislation, we may prevent the necessity of her advancing any further. But there are other reasons for the expediency of legislation at this time. Although I came here impressed with a different opinion, my mind has now become reconciled.

The memorable 1st of February is past. I confess I did feel an unconquerable repugnance to legislation until that day should have passed, because of the consequences that were to ensue. I hoped that the day would go over well. I feel, and I think that we must all confess, we breathe a freer air than when the restraint was upon us. But this is not the only consideration. South Carolina has practically postponed her ordinance, instead of letting it go into effect, till the 4th of March. Nobody who has noticed the course of events, can doubt that she will postpone it by still further legislation, if Congress should rise without any settlement of this question. I was going to say, my life on it, she will postpone it to a period subsequent to the 4th of March. It is in the natural course of events. South Carolina must perceive the embarrassments of her situation. She must be desirous—it is unnatural to suppose that she is not—to remain in the Union. What! a State whose heroes in its gallant ancestry fought so many glorious battles along with those of the other States of this Union—a State with which this confederacy is linked by bonds of such a powerful character! I have sometimes fancied what would be her condition if she goes out of this Union; if her five hundred thousand people should at once be thrown upon their own resources. She is out of the Union. What is the consequence? She is an independent power. What then does she do? She must have armies and fleets, and an expensive government; have foreign missions; she must raise taxes; enact this very tariff which has driven her out of the Union, in order to enable her to raise money, and to sustain the attitude of an independent power. If she should have no force, no navy to protect her, she would be exposed to piratical incursions. Their neighbor, St. Domingo, might pour down a horde of pirates on her borders, and desolate her plantations. She must have her embassies; therefore must she have a revenue. And let me tell you, there is another consequence, an inevitable one: she has a certain description of persons recognized as property south of the Potomac, and west of the Mississippi, which would be no longer recognized as such, except within their own limits. This species of property would sink to one half of its present value, for it is Louisiana and the south-western States which are her great market.

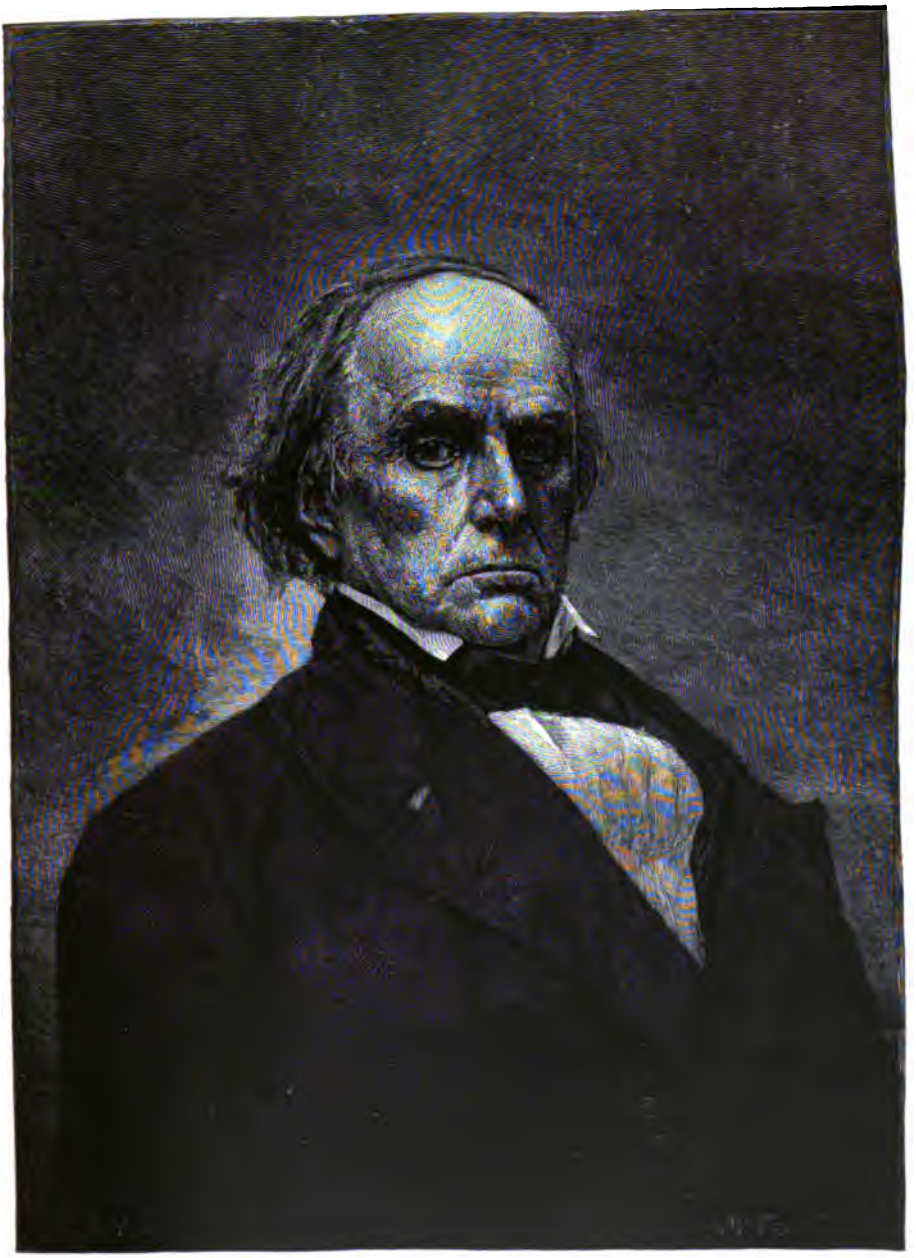
But I will not dwell on this topic any longer. I say it is utterly impossible that South Carolina ever desired, for a moment, to become a separate and independent State. If the existence of the ordinance, while an act of Congress is pending, is to be considered as a motive for not passing that law, why, this would be found to be a sufficient reason for preventing the passage of any laws. South Carolina, by keeping the shadow of an ordinance ever before us, as she has it in her power to postpone it from time to time, would defeat our legislation for ever. I would repeat, that under all the circumstances of the case, the condition of South Carolina is only one of the elements of a combination, the whole of which, together, constitutes a motive of action which renders it expedient to resort, during

the present session of Congress, to some measure in order to quiet and tranquilize the country.

If there be any who want civil war, who want to see the blood of any portion of our countrymen spilt, I am not one of them I wish to see war of no kind; but, above all, I do not desire to see civil war. When war begins, whether civil or foreign, no human sight is competent to foresee when, or how, or where it is to terminate. But when a civil war shall be lighted up in the bosom of our own happy land, and armies are marching, and commanders are winning their victories, and fleets are in motion on our coast, tell me, if you can, tell me, if any human being can tell its duration. God alone knows where such a war would end. In what a state will our institutions be left? In what a state our liberties? I want no war; above all, no war at home.

Sir, I repeat, that I think South Carolina has been rash, intemperate, and greatly in the wrong; but I do not want to disgrace her, nor any other member of this Union. No: I do not desire to see the luster of one single star dimmed of that glorious confederacy which constitutes our political sun; still less do I wish to see it blotted out, and its light obliterated forever. Has not the State of South Carolina been one of the members of this Union in "days that tried men's souls?" Have not her ancestors fought alongside our ancestors? If we had to go into a civil war with such a State, how would it terminate? Whenever it should have terminated, what would be her condition? If she should ever return to the Union, what would be the condition of her feelings and affections? what the state of the heart of her people? She has been with us before, when her ancestors mingled in the throng of battle, and as I hope our posterity will mingle with hers, for ages and centuries to come, in the united defense of liberty, and for the honor and glory of the Union, I do not wish to see her degraded or defaced as a member of this confederacy.

In conclusion, allow me to intreat and implore each individual member of this body to bring into the consideration of this measure which I have had the honor of proposing, the same love of country which, if I know myself, has actuated me, and the same desire of restoring harmony to the Union, which has prompted this effort. If we can forget for a moment —but that would be asking too much of human nature—if we could suffer, for one moment, party feelings and party causes—and, as I stand here before my God, I declare I have looked beyond those considerations, and regarded only the vast interests of this united people—I should hope that under such feelings, and with such dispositions, we may advantageously proceed to the consideration of this bill, and heal, before they are yet bleeding, the wounds of our distracted country.



DANIEL WEBSTER.

THE COMPROMISE TARIFF (CONTINUED).

IN SENATE, FEBRUARY 25, 1833.

[THIRTEEN days had elapsed since the introduction of the Compromise Bill by Mr. Clay, and the measure had been largely discussed, and with great ability. The following speech is chiefly occupied in answers to objections to the measure. Some senators from the South, led by Mr. Forsyth of Georgia, opposed it, and Mr. Webster led the opposition from the North. Mr. Webster's chief objection was, that the bill surrendered the protective policy, of which he had become the advocate, though he opposed the tariff of 1824. He had very properly changed with the change of interest in his constituents. If Mr. Clay's Compromise Bill had had more time for consideration, it would probably have been less opposed; but it was sprung on the Senate so suddenly, and the necessity of a speedy decision was such—only fifteen days from the time of its introduction—that the time was short to digest so important a measure. To some minds it was then a puzzle, and long continued so, as to its effect on the protective policy. Mr. Clay, however, was right, that it did not surrender that policy, and that it retained all the protection possible as a compromise adapted to the exigency. As he predicted, the manufacturers were reconciled to it, especially as it was to be a reliable measure for a specific term of years, under which they could adapt themselves to it. The existing measure of protection was not seriously impaired, and the reduction of protective duties was so gradual that they hoped to be able to sustain themselves under it. They knew that they were in danger of losing all, and to be saved in such a crisis was a most welcome boon. So sensible were the manufacturers of their obligations to Mr. Clay for this measure, that they made a continuous ovation to him on his subsequent tour through the manufacturing States. And yet it was maintained by a multitude of theoretical cynics, that this tariff gave up protection. Practical men, however, took it as it was, and, as protectionists,

were satisfied with it. The tariff of 1842 proved that Mr. Clay was right in his anticipations, and that there was nothing in that of 1833 that could operate as a bar to such a measure. A protracted pacification was secured, a civil war prevented, and all power was wrested from the hands of General Jackson and his party to break down the protective policy. If this had not been done suddenly, on the instant, it never could have been done; and the country was indebted to Mr. Clay for this great achievement. The Compromise Tariff of 1833 was conceived quick, on the exigency; it was quickly acted upon, and quickly passed. Strange to say, Mr. Calhoun and his party went for it, in preference to Verplanck's bill. Mr. Calhoun was willing to be rescued from the hands of General Jackson by Mr. Clay and his friends, notwithstanding that Verplanck's bill was more in accordance with the wishes of the South. The passage of the tariff of 1833 was a sort of *coup de main* operation, and the only wonder is, that it was so thoroughly charged with wisdom, and foresight, and circumspection, as afterward to sustain the most severe scrutiny without being impeached. The vote of the House for the tariff was one hundred and twenty to eighty-four, and that of the Senate twenty-nine to sixteen.

The following vindication of the measure will well repay an attentive perusal.]

Being anxious, Mr. President, that this bill should pass, and pass this day, I will abridge as much as I can the observations I am called upon to make. I have long, with pleasure and pride, co-operated in the public service with the senator from Massachusetts; and I have found him faithful, enlightened, and patriotic. I have not a particle of doubt as to the pure and elevated motives which actuate him. Under these circumstances, it gives me deep and lasting regret to find myself compelled to differ from him as to a measure involving vital interests, and perhaps the safety of the Union. On the other hand, I derive great consolation from finding myself, on this occasion, in the midst of friends with whom I have long acted, in peace and in war, and especially with the honorable senator from Maine, (Mr. Holmes), with whom I had the happiness to unite in a memorable instance. It was in this very chamber, that senator presiding in the committee of the Senate, and I in committee of twenty-four of the House of Representatives, on a Sabbath day, that the terms were adjusted, by which the compromise of the Missouri question was effected. Then the dark clouds that hung over our beloved country were dispersed; and now the thunders from others not less threatening, and which have been longer accumulating, will, I hope, roll over us harmless and without injury.

The senator from Massachusetts objects to the bill under consideration, on various grounds. He argues that it imposes unjustifiable restraints on the power of future legislation; that it abandons the protective policy, and that the details of the bill are practically defective. He does not object to the gradual, but very considerable reduction of duties which is made prior to 1842. To that he could not object, because it is a species of prospective provision, as he admits, in conformity with numerous precedents on our statute-book. He does not object so much to the state of the proposed law prior to 1842, during a period of nine years; but throwing himself forward to the termination of that period, he contends that Congress will then find itself under inconvenient shackles, imposed by our indiscretion. In the first place, I would remark, that the bill contains no obligatory pledges; it could make none; none are attempted. The power over the subject is in the Constitution—put there by those who formed it, and liable to be taken out only by an amendment of the instrument. The next Congress, and every succeeding Congress, will undoubtedly have the power to repeal the law whenever they may think proper. Whether they will exercise it or not will depend upon a sound discretion, applied to the state of the whole country, and estimating fairly the consequences of the repeal, both upon the general harmony and the common interests. Then the bill is founded in a spirit of compromise. Now in all compromises there must be mutual concessions. The friends of free trade insist, that duties should be laid in reference to revenue alone. The friends of American industry say, that another, if not paramount object in laying them, should be, to diminish the consumption of foreign, and increase that of domestic products. On this point the parties divide, and between these two opposite opinions a reconciliation is to be effected, if it can be accomplished. The bill assumes as a basis adequate protection for nine years, and less beyond that term. The friends of protection say to their opponents, We are willing to take a lease of nine years, with the long chapter of accidents beyond that period, including the chance of war, the restoration of concord, and along with it, a conviction common to all, of the utility of protection; and in consideration of it, if, in 1842, none of these contingences shall have been realized, we are willing to submit as long as Congress may think proper, to a maximum rate of twenty per centum, with the power of discrimination below it, cash duties, home valuations, and a liberal list of free articles, for the benefit of the manufacturing interest. To these conditions the opponents of protection are ready to accede. The measure is what it professes to be, a compromise; but it imposes and could impose no restriction upon the will or power of a future Congress. Doubtless great respect will be paid, as it ought to be paid, to the serious condition of the country that has prompted the passage of this bill. Any future Congress that might disturb this adjustment would act under a high responsibility, but it would be entirely within its competency to repeal, if it thought proper, the whole bill. It is far from the object of those who support this bill, to

abandon or surrender the policy of protecting American industry. Its protection or encouragement may be accomplished in various ways—first, by bounties, as far as they are within the constitutional power of Congress to offer them; second, by prohibitions, totally excluding the foreign rival article; third, by high duties, without regard to the aggregate amount of revenue which they produce; fourth, by discriminating duties so adjusted as to limit the revenue to the economical wants of government; and, fifth, by the admission of the raw material, and articles essential to manufactures free of duty; to which may be added, cash duties, home valuations, and the regulation of auctions. A perfect system of protection would comprehend most if not all these modes of affording it. There might be at this time a prohibition of certain articles (ardent spirits and coarse cottons, for example), to public advantage. If there were not inveterate prejudices and conflicting opinions prevailing (and what statesman can totally disregard impediments?) such a compound system might be established.

Now, Mr. President, before the assertion is made, that the bill surrenders the protective policy, gentlemen should understand perfectly what it does not as well as what it does propose. It impairs no power of Congress over the whole subject; it contains no promise or pledge whatever, express or implied, as to bounties, prohibitions, or auctions; it does not touch the power of Congress in regard to them, and Congress is perfectly free to exercise that power at any time; it expressly recognizes discriminating duties within a prescribed limit; it provides for cash duties and home valuations; and it secures a free list, embracing numerous articles, some of high importance to the manufacturing arts. Of all the modes of protection which I have enumerated, it affects only the third; that is to say, the imposition of high duties, producing a revenue beyond the wants of government. The senator from Massachusetts contends that the policy of protection was settled in 1816, and that it has ever since been maintained. Sir, it was settled long before 1816. It is coeval with the present Constitution, and it will continue, under some of its various aspects, during the existence of the government. No nation can exist, no nation perhaps ever existed, without protection in some form, and, to some extent, being applied to its own industry. The direct and necessary consequence of abandoning the protection of its own industry, would be to subject it to the restrictions and prohibitions of foreign powers; and no nation, for any length of time, can endure an alien legislation in which it has no will. The discontents which prevail, and the safety of the republic, may require the modification of a specific mode of protection, but it must be preserved in some other more acceptable shape.

All that was settled in 1816, in 1824, and in 1828, was, that protection should be afforded by high duties, without regard to the amount of the revenue which they might yield. During that whole period, we had a public debt which absorbed all the surpluses beyond the ordinary wants of government. Between 1816 and 1824, the revenue was liable to the

greatest fluctuations, vibrating between the extremes of about nineteen and thirty-six millions of dollars. If there were more revenue, more debt was paid; if less, a smaller amount was reimbursed. Such was sometimes the deficiency of the revenue, that it became necessary to the ordinary expenses of government, to trench upon the ten millions annually set apart as a sinking-fund to extinguish the public debt. If the public debt remained undischarged, or we had any other practical mode of appropriating the surplus revenue, the form of protection, by high duties, might be continued without public detriment. It is the payment of the public debt, then, and the arrest of internal improvements by the exercise of the veto, that unsettles that specific form of protection. Nobody supposes, or proposes, that we should continue to levy, by means of high duties, a large annual surplus, of which no practical use can be made, for the sake of the incidental protection which they afford. The Secretary of the Treasury estimates that surplus on the existing scale of duties, and with the other sources of revenue, at six millions annually. An annual accumulation at that rate would, in a few years, bring into the treasury the whole currency of the country, to lie there inactive and dormant.

This view of the condition of the country has impressed every public man with the necessity of some modification of the principles of protection, so far as it depends upon high duties. The senator from Massachusetts feels it; and hence, in the resolutions which he submitted, he proposes to reduce the duties, so as to limit the amount of the revenue to the wants of the government. With him revenue is the principal, protection the subordinate, object. If protection can not be enjoyed after such a reduction of duties as he thinks ought to be made, it is not to be extended. He says, specific duties and the power of discrimination are preserved by his resolutions. So they may be under the operation of the bill. The only difference between the two schemes is, that the bill, in the maximum which it provides, suggests a certain limit, while his resolutions lay down none. Below that maximum, the principle of discrimination and specific duties may be applied. The senator from Pennsylvania (Mr. Dallas), who, equally with the senator from Massachusetts, is opposed to this bill, would have agreed to the bill if it had fixed thirty instead of twenty per centum; and he would have dispensed with home valuation, and come down to the revenue standard in five or six years. Now, Mr. President, I prefer, and I think the manufacturing interest will prefer, nine years of adequate protection, home valuations, and twenty per centum, to the plan of the senator from Pennsylvania.

Mr. President, I want to be perfectly understood as to the motives which have prompted me to offer this measure. I repeat what I said on the introduction of it, that they are, first, to preserve the manufacturing interest, and, secondly, to quiet the country. I believe the American system to be in the greatest danger; and I believe it can be placed on a better and safer foundation at this session than at the next I heard with surprise my friend

from Massachusetts say that nothing had occurred within the last six months to increase its hazard. I entreat him to review that opinion. Is it correct? Is the issue of numerous elections, including that of the highest officer of the government, nothing? Is the explicit recommendation of that officer, in his message, at the opening of the session, sustained, as he is, by a recent triumphant election, nothing? Is his declaration in his proclamation, that the burdens of the South ought to be relieved, nothing? Is the introduction of a bill into the House of Representatives during this session, sanctioned by the head of the treasury and the administration, prostrating the greater part of the manufactures of the country, nothing? Are the increasing discontents, nothing? Is the tendency of recent events to unite the whole South, nothing? What have we not witnessed in this chamber? Friends of the administration, bursting all the ties which seemed indissolubly to unite them to its chief, and, with few exceptions, south of the Potomac, opposing, and vehemently opposing, a favorite measure of that administration, which three short months ago they contributed to establish! Let us not deceive ourselves. Now is the time to adjust the question in a manner satisfactory to both parties. Put it off until the next session, and the alternative may, and probably then would, be a speedy and ruinous reduction of the tariff, or a civil war with the entire South.

It is well known that the majority of the dominant party is adverse to the tariff. There are many honorable exceptions, the senator from New Jersey (Mr. Dickerson), among them. But for the exertions of the other party, the tariff would have been long since sacrificed. Now let us look at the composition of the two branches of Congress at the next session. In this body we lose three friends of the protective policy, without being sure of gaining one. Here, judging from present appearances, we shall at the next session be in the minority. In the House it is notorious, that there is a considerable accession to the number of the dominant party. How then, I ask, is the system to be sustained against numbers, against the whole weight of the administration, against the united South, and against the increased pending danger of civil war? There is, indeed, one contingency that might save it, but that is too uncertain to rely upon. A certain class of northern politicians, professing friendship to the tariff, have been charged with being secretly inimical to it for political purposes. They may change their ground, and come out open and undisguised supporters of the system. They may even find in the measure which I have brought forward a motive for their conversion. Sir, I shall rejoice in it, from whatever cause it may proceed. And, if they can give greater strength and durability to the system, and at the same time quiet the discontents of its opponents, I shall rejoice still more. They shall not find me disposed to abandon it, because it has drawn succor from an unexpected quarter. No, Mr. President, it is not destruction, but preservation of the system at which we aim. If dangers now assail it, we have not created them. I have sustained it upon the strongest and clearest convictions of its expediency. They are entirely

unaltered. Had others, who avow attachment to it, supported it with equal zeal and straightforwardness, it would be now free from embarrassment; but with them it has been a secondary interest. I utter no complaints; I make no reproaches. I wish only to defend myself now, as heretofore, against unjust assaults. I have been represented as the father of this system, and I am charged with an unnatural abandonment of my own offspring. I have never arrogated to myself any such intimate relation to it. I have, indeed, cherished it with paternal fondness, and my affection is undiminished, but in what condition do I find this child? It is in the hands of the Philistines, who would strangle it. I fly to its rescue, to snatch it from their custody, and to place it on a bed of security and repose for nine years, where it may grow and strengthen, and become acceptable to the whole people. I behold a torch about being applied to a favorite edifice, and I would save it if possible before it is wrapped in flames, or at least preserve the precious furniture which it contains. I wish to see the tariff separated from the politics of the country, that business men may go to work in security, with some prospect of stability in our laws, and without every thing being staked on the issue of elections, as it were on the hazards of the die.

And the other leading object which has prompted the introduction of this measure, the tranquilizing of the country, is no less important. All wise human legislation must consult in some degree the passions, and prejudices, and feelings, as well as the interests of the people. It would be vain and foolish to proceed at all times, and under all circumstances, upon the notion of absolute certainty in any system, or infallibility in any dogma, and to push these out without regard to any consequences. With us, who entertain the opinion that Congress is constitutionally invested with power to protect domestic industry, it is a question of mere expediency as to the form, the degree, and the time that the protection shall be afforded. In weighing all the considerations which should control and regulate the exercise of that power, we ought not to overlook what is due to those who honestly entertain opposite opinions to large masses of the community, and to deep, long-cherished, and growing prejudices. Perceiving, ourselves, no constitutional impediment, we have less difficulty in accommodating ourselves to the sense of the people of the United States upon this interesting subject. I do believe that a majority of them is in favor of this policy; but I am induced to believe this almost against evidence. Two States in New England, which have been in favor of the system, have recently come out against it. Other States of the North and East have shown a remarkable indifference to its preservation. If, indeed, they have wished to preserve it, they have nevertheless placed the powers of government in hands which ordinary information must have assured them were rather a hazardous depository. With us in the West, although we are not without some direct and considerable indirect interest in the system, we have supported it more upon national than sectional grounds.

Meantime the opposition of a large and respectable section of the Union, stimulated by political success, has increased, and is increasing. Discontents are multiplying and assuming new and dangerous aspects. They have been cherished by the course and hopes inspired during this administration, which, at the very moment that it threatens and recommends the use of the powers of the Union, proclaims aloud the injustice of the system which it would enforce. These discontents are not limited to those who maintain the extravagant theory of nullification; they are not confined to one State; they are coextensive with the entire South, and extend even to northern States. It has been intimated by the senator from Massachusetts, that, if we legislate at this session on the tariff, we would seem to legislate under the influence of a panic. I believe, Mr. President, I am not more sensible to danger of any kind, than my fellow-men are generally. It perhaps requires as much moral courage to legislate under the imputation of a panic, as to refrain from it lest such an imputation should be made. But he who regards the present question as being limited to South Carolina alone, takes a view of it much too contracted. There is a sympathy of feeling and interest throughout the whole South. Other southern States may differ from that as to the remedy to be now used, but all agree (great as in my humble judgment is their error), in the substantial justice of the cause. Can there be a doubt that those who think in common will sooner or later act in concert? Events are on the wing, and hastening this co-operation. Since the commencement of this session, the most powerful southern member of the Union has taken a measure which can not fail to lead to important consequences. She has deputed one of her most distinguished citizens to request a suspension of measures of resistance. No attentive observer can doubt that the suspension will be made. Well, sir, suppose it takes place, and Congress should fail at the next session to afford the redress which will be solicited, what course would every principle of honor, and every consideration of the interests of Virginia, as she understands them, exact from her? Would she not make common cause with South Carolina? and if she did, would not the entire South eventually become parties to the contest? The rest of the Union might put down the South, and reduce it to submission; but, to say nothing of the uncertainty and hazards of all war, is that a desirable state of things? Ought it not to be avoided if it can be honorably prevented? I am not one of those who think that we must rely exclusively upon moral power, and never resort to physical force. I know too well the frailties and follies of man, in his collective as well as individual character, to reject in all possible cases, the employment of force; but I do think that when resorted to, especially among the members of a confederacy, it should manifestly appear to be the only remaining appeal.

But suppose the present Congress terminates without any adjustment of the tariff, let us see in what condition its friends will find themselves at the next session. South Carolina will have postponed the execution of the

law passed to carry into effect her ordinance, until the end of that session. All will be quiet in the South for the present. The president, in his opening message, will urge that justice, as he terms it, be done to the South; and that the burdens imposed upon it by the tariff, be removed. The whole weight of the administration, the united South, and majorities of the dominant party, in both branches of Congress, will be found in active cooperation. Will the gentleman from Massachusetts tell me how we are to save the tariff against this united and irresistible force? They will accuse us of indifference to the preservation of the Union, and of being willing to expose the country to the dangers of civil war. The fact of South Carolina's postponing of her ordinance, at the instance of Virginia, and once more appealing to the justice of Congress, will be pressed with great emphasis and effect. It does appear to me impossible that we can prevent a most injurious modification of the tariff, at the next session, and that this is the favorable moment for an equitable arrangement of it. I have been subjected to animadversion, for the admission of the fact, that, at the next session, our opponents will be stronger, and the friends of the American system weaker than they are in this Congress. But, is it not so? And is it not the duty of every man, who aspires to be a statesman, to look at naked facts as they really are? Must he suppress them? Ought he, like children, to throw the counterpane over his eyes, and persuade himself that he is secure from danger? Are not our opponents as well informed as we are, about their own strength?

If we adjourn, without any permanent settlement of the tariff, in what painful suspense and terrible uncertainty shall we not leave the manufacturers and business men of the country? All eyes will be turned, with trembling and fear, to the next session. Operations will be circumscribed, and new enterprises checked; or, if otherwise, ruin and bankruptcy may be the consequence. I believe, sir, this measure, which offers a reasonable guaranty for permanence and stability, will be hailed by practical men with pleasure. The political manufacturers may be against it, but it will command the approbation of a large majority of the business manufacturers of the country. But the objections of the honorable senator from Massachusetts are principally directed to the period beyond 1842. During the intermediate time, there is every reason to hope and believe that the bill secures adequate protection. All my information assures me of this; and it is demonstrated by the fact, that, if the measure of protection, secured prior to the 31st of December, 1841, were permanent; or if the bill were even silent beyond that period, it would command the cordial and unanimous concurrence of the friends of the policy. What then divides, what alarms us? It is what may possibly be the state of things in the year one thousand eight hundred and forty-two, or subsequently! Now, sir, even if that should be as bad as the most vivid imagination, or the most eloquent tongue could depict it, if we have intermediate safety and security, it does not seem to me wise to rush upon certain and present evils, because

of those which, admitting their possibility, are very remote and contingent. What! shall we not extinguish the flame which is bursting through the roof that covers us, because, at some future and distant day, we may be again threatened with conflagration?

I do not admit that this bill abandons, or fails, by its provisions, to secure reasonable protection beyond 1842. I can not know, I pretend not to know, what will then be the actual condition of this country, and of the manufacturing arts, and their relative condition to the rest of the world. I would as soon confide in the forecast of the honorable senator from Massachusetts as in that of any other man in this Senate, or in this country; but neither he nor any one else can tell what that condition will then be. The degree of protection which will be required for domestic industy beyond 1842, depends upon the reduction of wages, the accumulation of capital, the improvement in skill, the protection of machinery, and the cheapening of the price, at home, of essential articles, such as fuel, iron, and so forth. I do not think that the honorable senator can throw himself forward to 1842, and tell us what, in all these particulars, will be the state of this country, and its relative state to other countries. We know that, in all human probability, our numbers will be increased by an addition of one third, at least, to their present amonnt, and that may materially reduce wages. We have reason to believe that our capital will be augmented, our skill improved; and we know that great progress has been made, and is making, in machinery. There is a constant tendency to decrease in the price of iron and coal. The opening of new mines and new channels of communication must continue to lower it. The successful introduction of the process of cooking will have great effect. The price of these articles, one of the most opulent and intelligent manufacturing houses in this country assures me, is a principal cause of the present necessity of protection to the cotton interest; and that house is strongly inclined to think that twenty per centum, with the other advantages secured in this bill, may do beyond 1842. Then, sir, what effect may not convulsions and revolutions in Europe, if any should arise, produce? I am far from desiring them that our country may profit by their occurrence. Her greatness and glory rest, I hope, upon a more solid and more generous basis. But we can not shut our eyes to the fact, that our greatest manufacturing, as well as commercial competitor, is undergoing a momentous political experiment, the issue of which is far from being absolutely certain. Who can raise the vail of the succeeding nine years, and show what, at their termination, will be the degree of competition which Great Britain can exercise toward us in the manufacturing arts?

Suppose, in the progress of gradual descent toward the revenue standard for which this bill provides, it should some years hence become evident that further protection, beyond 1842, than that which it contemplates, may be necessary, can it be doubted that, in some form or other, it will be applied? Our misfortune has been, and yet is, that the public mind has been

constantly kept in a state of feverish excitement, in respect to this system of policy. Conventions, elections, Congress, the public press, have been for years all acting upon the tariff, and the tariff acting upon them all. Prejudices have been excited, passions kindled, and mutual irritations carried to the highest pitch of exasperation, insomuch that good feelings have been almost extinguished, and the voice of reason and experience silenced, among the members of the confederacy. Let us separate the tariff from the agitating politics of the country, place it upon a stable and firm foundation, and allow our enterprising countrymen to demonstrate to the whole Union, by their skillful and successful labors, the inappreciable value of the arts. If they can have what they have never yet enjoyed, some years of repose and tranquillity, they will make, silently, more converts to the policy, than would be made during a long period of anxious struggle and boisterous contention. Above all, I count upon the good effects resulting from a restoration to the harmony of this divided people, upon their good sense and their love of justice. Who can doubt, that when passions have subsided, and reason has resumed her empire, that there will be a disposition throughout the whole Union, to render ample justice to all its parts? Who will believe that any section of this great confederacy would look with indifference to the prostration of the interests of another section, by distant and selfish foreign nations, regardless alike of the welfare of us all? No, sir; I have no fears beyond 1842. The people of the United States are brethren, made to love and respect each other. Momentary causes may seem to alienate them, but, like family differences, they will terminate in a closer and more affectionate union than ever. And how much more estimable will be a system of protection, based on common conviction and common consent, and planted in the bosoms of all, than one wrenched by power from reluctant and protesting weakness?

That such a system will be adopted, if it should be necessary for the period of time subsequent to 1842, I will not doubt. But in the scheme which I originally proposed, I did not rely exclusively, great as my reliance is, upon the operation of fraternal feelings, the return of reason, and a sense of justice. The scheme contained an appeal to the interests of the South. According to it, unmanufactured cotton was to be a free article after 1842. Gentlemen from that quarter have again and again asserted that they were indifferent to the duty of three cents per pound on cotton, and that they feared no foreign competition. I have thought otherwise; but I was willing, by way of experiment, to take them at their word; not that I was opposed to the protection of cotton, but believing that a few cargoes of foreign cotton introduced into our northern ports, free of duty, would hasten our southern friends to come here and ask that protection for their great staple, which is wanted in other sections for their interests. That feature in the scheme was stricken out in the select committee, but not by the consent of my friend from Delaware (Mr. Clayton), or myself. Still, after 1842, the South may want protection for sugar, for tobacco, for

Virginia coal, perhaps for cotton and other articles, while other quarters may need it for wool, woolens, iron, and cotton fabrics: and these mutual wants, if they should exist, will lead, I hope, to some amicable adjustment of a tariff for that distant period, satisfactory to all. The theory of protection supposes, too, that, after a certain time, the protected arts will have acquired such strength and perfection as will enable them subsequently, unaided, to stand up against foreign competition. If, as I have no doubt, this should prove to be correct, it will, on the arrival of 1842, encourage all parts of the Union to consent to the continuance of longer protection to the few articles which may then require it.

The bill before us strongly recommends itself by its equity and impartiality. It favors no one interest, and no one State, by an unjust sacrifice of others. It deals equally by all. Its basis is the act of July last. That act was passed, after careful and thorough investigation, and long deliberation, continued through several months. Although it may not have been perfect in its adjustment of the proper measure of protection to each article which was supposed to merit it, it is not likely, that, even with the same length of time before us, we could make one more perfect. Assuming the justness of that act, the bill preserves the respective propositions for which the act provides, and subjects them all to the same equal but moderate reduction, spread over the long space of nine years. The senator from Massachusetts contends that a great part of the value of all protection is given up by dispensing with specific duties and the principle of discrimination. But much the most valuable articles of our domestic manufactures (cottons and woolens, for example), have never enjoyed the advantage of specific duties. They have always been liable to *ad valorem* duties, with a very limited application of the minimum principle. The bill does not, however, even after 1842, surrender either mode of laying duties. Discriminations are expressly recognized below the maximum, and specific duties may also be imposed, provided they do not exceed it.

The honorable senator also contends that the bill is imperfect, and that the execution of it will be impracticable. He asks, how is the excess above twenty per centum to be ascertained on coarse and printed cottons liable to minimums of thirty and thirty-five cents, and subject to a duty of twenty-five per centum, *ad valorem*; and how it is to be estimated in the case of specific duties? Sir, it is very probable that the bill is not perfect, but I do not believe that there is any thing impracticable in its execution. Much will, however, depend upon the head of the treasury department. In the instance of the cotton minimums, the statute having, by way of exception to the general *ad valorem* rule, declared, in certain cases, how the value shall be estimated, that statutory value ought to govern; and consequently, the twenty per centum should be exclusively deducted from the twenty-five per centum, being the rate of duties to which cottons generally are liable; and the biennial tenths should be subtracted from the excess of five per centum. With regard to specific duties, it will, perhaps, be competent to the Secretary

of the Treasury in the execution of the law, for the sake of certainty, to adopt some average value, founded upon importations of a previous year. But if the value of each cargo, and every part of it, is to be ascertained, it would be no more than what now is the operation in the case of woolens, silks, cottons above thirty and thirty-five cents, and a variety of other articles; and consequently there would be no more impracticability in the law.

To all defects, however, real or imaginary, which it may be supposed will arise in the execution of the principle of the bill, I oppose one conclusive, and, I hope, satisfactory answer. Congress will be in session one whole month before the commencement of the law; and if, in the mean time, omissions calling for further legislation shall be discovered, there will be more time then than we have now to supply them. Let us, on this occasion of compromise, pursue the example of our fathers, who, under the influence of the same spirit, in the adoption of the Constitution of the United States, determined to ratify it, and go for amendments afterward.

To the argument of the senator from Massachusetts, that this interest, and that, and the other, can not be sustained under the protection, beyond 1842, I repeat the answer, that no one can now tell what may then be necessary. That period will provide for itself. But I was surprised to hear my friend singling out iron as an article that would be most injuriously affected by the operation of this bill. If I am not greatly mistaken in my recollection, he opposed and voted against the act of 1824, because of the high duty imposed on iron. But for that duty (and perhaps the duty on hemp), which he then considered threw an unreasonable burden upon the navigation of the country, he would have supported that act. Of all the articles to which protecting duties are applied, iron, and the manufactures of iron, enjoy the highest protection. During the term of nine years, the deductions from the duty are not such as seriously to impair those great interests, unless all my information deceives me; and beyond that period, the remedy has been already indicated. Let me suppose that the anticipations which I form, upon the restoration of concord and confidence, shall be all falsified; that neither the sense of fraternal affection, nor common justice, nor even common interests, will lead to an amicable adjustment of the tariff beyond 1842. Let me suppose the period has arrived, and that the provisions of the bill shall be interpreted as an obligatory pledge upon the Congress of that day; and let me suppose, also, that a greater amount of protection than the bill provides, is absolutely necessary to some interests; what is to be done? Regarded as a pledge, it does not bind Congress forever to adhere to the specific rate of duty contained in the bill. The most, in that view, that it exacts, is, to make a fair experiment. If, after such experiment, it should be demonstrated, that, under such an arrangement of the tariff, the interests of large portions of the Union would be sacrificed, and they exposed to ruin, Congress will be competent to apply some remedy that will be effectual; and I hope and believe that, in such a contingency,

some will be devised that may preserve the harmony and perpetuate the blessings of the Union.

It has been alleged, that there will be an augmentation, instead of a diminution of revenue, under the operation of this bill. I feel quite confident of the reverse; but it is sufficient to say, that both contingences are carefully provided for in the bill, without affecting the protected articles.

The gentleman from Massachusetts dislikes the measure, because it commands the concurrence of those who have been hitherto opposed, in regard to the tariff; and is approved by the gentleman from South Carolina (Mr. Calhoun), as well as by myself. Why, sir, the gentleman has told us that he is not opposed to any compromise. Will he be pleased to say how any compromise can be effected without a concurrence between those who had been previously divided, and taking some medium between the two extremes? The wider the division may have been, so much the better for the compromise, which ought to be judged of by its nature and by its terms, and not solely by those who happen to vote for it. It is an adjustment to which both the great interests in this country may accede without either being dishonored. The triumph of neither is complete. Each, for the sake of peace, harmony, and union, makes some concessions. The South has contended that every vestige of protection should be eradicated from the statute-book, and the revenue standard forthwith adopted. In assenting to this bill, it waives that pretension—yields to reasonable protection for nine years; and consents, in consideration of the maximum of twenty per centum, to be subsequently applied, to discriminations below it, cash duties, home valuations, and a long list of free articles. The North and West have contended for the practical application of the principle of protection, regulated by no other limit than the necessary wants of the country. If they accede to this adjustment, they agree, in consideration of the stability and certainty which nine years' duration of a favorite system of policy affords, and of the other advantages which have been enumerated, to come down in 1842 to a limit not exceeding twenty per centum. Both parties, animated by a desire to avert the evils which might flow from carrying out into all their consequences the cherished system of either, have met upon common ground, made mutual and friendly concessions, and, I trust, and sincerely believe, that neither will have, hereafter, occasion to regret, as neither can justly reproach the other with what may be now done.

This, or some other measure of conciliation, is now more than ever necessary, since the passage, through the Senate, of the enforcing bill. To that bill, if I had been present, on the final vote, I should have given my assent, although with great reluctance. I believe this government not only possessed of the constitutional power, but to be bound by every consideration, to maintain the authority of the laws. But I deeply regretted the necessity which seemed to me to require the passage of such a bill. And I was far from being without serious apprehensions as to the consequences

to which it might lead. I felt no new-born zeal in favor of the present administration, of which I now think as I have always thought. I could not vote against the measure; I would not speak in its behalf. I thought it most proper in me to leave to the friends of the administration and to others, who might feel themselves particularly called upon, to defend and sustain a strong measure of the administration. With respect to the series of acts to which the executive has resorted, in relation to our southern disturbance, this is not a fit occasion to enter upon a full consideration of them; but I will briefly say, that, although the proclamation is a paper of uncommon ability and eloquence, doing great credit, as a composition, to him who prepared it, and to him who signed it, I think it contains some ultra doctrines which no party in this country had ventured to assert. With these are mixed up many sound principles and just views of our political systems. If it is to be judged by its effects upon those to whom it was more immediately addressed, it must be admitted to have been ill-timed and unfortunate. Instead of allaying the excitement which prevailed it increased the exasperation in the infected district, and afforded new and unnecessary causes of discontent and dissatisfaction in the South generally. The message, subsequently transmitted to Congress, communicating the proceedings of South Carolina, and calling for countervailing enactments, was characterized with more prudence and moderation. And if this unhappy contest is to continue, I sincerely hope, that the future conduct of the administration may be governed by wise and cautious counsels, and a parental forbearance. But when the highest degree of animosity exists; when both parties, however unequal, have arrayed themselves for the conflict; who can tell when, by the indiscretion of subordinates, or other unforeseen causes, the bloody struggle may commence? In the midst of magazines, who knows when the fatal spark may produce a terrible explosion? And the battle once begun, where is its limit? What latitude will circumscribe its rage? Who is to command our armies? When, and where, and how, is the war to cease? In what condition will the peace leave the American system, the American Union, and, what is more than all, American liberty? I can not profess to have a confidence, which I have not, in this administration, but if I had all confidence in it, I should still wish to pause, and, if possible, by any honorable adjustment, to prevent awful consequences, the extent of which no human wisdom can foresee.

It appears to me, then, Mr. President, that we ought not to content ourselves with passing the enforcing bill only. Both that and the bill of peace seem to me to be required for the good of our country. The first will satisfy all who love order and law, and disapprove the inadmissible doctrine of nullification. The last will soothe those who love peace and concord, harmony and union. One demonstrates the power and the disposition to vindicate the authority and supremacy of the laws of the Union; the other offers that which, if it be accepted in the fraternal spirit in which it is tendered, will supersede the necessity of the employment of all force.

There are some who say, Let the tariff go down; let our manufactures be prostrated, if such be the pleasure, at another session, of those to whose hands the government of this country is confided; let bankruptcy and ruin be spread over the land; and let resistance to the laws, at all hazards, be subdued. Sir, they take counsel from their passions. They anticipate a terrible reaction from the downfall of the tariff, which would ultimately re-establish it upon a firmer basis than ever. But it is these very agitations, these mutual irritations between brethren of the same family, it is the individual distress and general ruin that would necessarily follow the overthrow of the tariff, that ought, if possible, to be prevented. Besides, are we certain of this reaction? Have we not been disappointed in it as to other measures heretofore? But suppose, after a long and embittered struggle, it should come, in what relative condition would it find the parts of this confederacy? In what state our ruined manufactures? When they should be laid low, who, amid the fragments of the general wreck, scattered over the face of the land, would have courage to engage in fresh enterprises, under a new pledge of the violated faith of the government? If we adjourn, without passing this bill, having intrusted the executive with vast powers to maintain the laws, should he be able by the next session to put down all opposition to them, will he not, as a necessary consequence of success, have more power than ever to put down the tariff also? Has he not said that the South is oppressed, and its burdens ought to be relieved? And will he not feel himself bound, after he shall have triumphed, if triumph he may, in a civil war, to appease the discontents of the South by a modification of the tariff, in conformity with its wishes and demands? No, sir; no, sir; let us save the country from the most dreadful of all calamities, and let us save its industry, too, from threatened destruction. Statesmen should regulate their conduct and adapt their measures to the exigences of the times in which they live. They can not, indeed, transcend the limits of the constitutional rule; but with respect to those systems of policy which fall within its scope, they should arrange them according to the interests, the wants, and the prejudices of the people. Two great dangers threaten the public safety. The true patriot will not stop to inquire how they have been brought about, but will fly to the deliverance of his country. The difference between the friends and the foes of the compromise, under consideration, is, that they would, in the enforcing act, send forth alone a flaming sword. We would send out that also, but along with it the olive branch, as a messenger of peace. They cry out, The law! the law! the law! Power! power! power! We, too, reverence the law, and bow to the supremacy of its obligations; but we are in favor of the law executed in mildness, and of power tempered with mercy. They, as we think, would hazard a civil commotion, beginning in South Carolina, and extending, God only knows where. While we would vindicate the federal government, we are for peace, if possible, union, and liberty. We want no war, above all, no civil war, no family strife. We want to see no sacked

cities, no desolated fields, no smoking ruins, no streams of American blood shed by American arms!

I have been accused of ambition in presenting this measure. Ambition! inordinate ambition! If I had thought of myself only, I should have never brought it forward. I know well the perils to which I expose myself; the risk of alienating faithful and valued friends, with but little prospect of making new ones, if any new ones could compensate for the loss of those whom we have long tried and loved; and the honest misconceptions both of friends and foes. Ambition! If I had listened to its soft and seducing whispers; if I had yielded myself to the dictates of a cold, calculating, and prudential policy, I would have stood still and unmoved. I might even have silently gazed on the raging storm, enjoyed its loudest thunders, and left those who are charged with the care of the vessel of state, to conduct it as they could. I have been heretofore often unjustly accused of ambition. Low, groveling souls, who are utterly incapable of elevating themselves to the higher and nobler duties of pure patriotism—beings, who, forever keeping their own selfish aims in view, decide all public measures by their presumed influence on their aggrandizement—judge me by the venal rule which they prescribe to themselves. I have given to the winds those false accusations, as I consign that which now impeaches my motives. I have no desire for office, not even the highest. The most exalted is but a prison, in which the incarcerated incumbent daily receives his cold, heartless visitants, marks his weary hours, and is cut off from the practical enjoyment of all the blessings of genuine freedom. I am no candidate for any office in the gift of the people of these States, united or separated; I never wish, never expect to be. Pass this bill, tranquilize the country, restore confidence and affection in the Union, and I am willing to go home to Ashland, and renounce public service forever. I should there find, in its groves, under its shades, on its lawns, amid my flocks and herds, in the bosom of my family, sincerity and truth, attachment, and fidelity, and gratitude, which I have not always found in the walks of public life. Yes, I have ambition; but it is the ambition of being the humble instrument, in the hands of Providence, to reconcile a divided people; once more to revive concord and harmony in a distracted land—the pleasing ambition of contemplating the glorious spectacle of a free, united, prosperous, and fraternal people!

THE COMPROMISE TARIFF (CONTINUED).

IN SENATE, MARCH 1, 1833.

[A BILL to enforce the federal laws in South Carolina had become a law. Hence the propriety of the healing measure of the Compromise Tariff. The following concluding remarks of Mr. Clay on this important measure, though few, are worthy of record.]

MR. CLAY then said a few words in reference to this bill, and the enforcing bill, both of which he considered that it was necessary to send forth, as well to show that the laws must be executed, as that there is a disposition to make concessions. He stated, that on the subject of the government's being a compact, he principally agreed with the senator from South Carolina, but with some difference as to the character of the right conferred by that compact. He did not adopt the opinion, that there had been any advance made in usurpation of powers by the general government. He then went into a view of the history of this system, to show that, twelve or thirteen years ago, there was no opposition raised against the power of Congress to protect domestic industry. The opposition on constitutional grounds had subsequently grown up. He then stated that, in his opinion, no State could so practically construe the Constitution as to nullify the laws of the United States, without plunging the country into all the miseries of anarchy. He said that he adhered to the doctrines of that ablest, wisest, and purest of American statesmen, James Madison, who still lives, and resides in Virginia—the doctrines which were advanced by him in 1799. The answer of that distinguished man to the resolutions of the other States, and his address to the people, effected a sudden revolution of public opinion. The people rallied around him; the alien and sedition laws were repealed; and the usurpations of the general government were arrested. He viewed the government as federative in its origin, in its character, and in its operation, and under the clause of the Constitution which gives to Congress power to pass all laws to carry into effect the granted powers, they could pass all necessary laws. He hoped that the effect of this bill would conciliate all classes and all sections of the Union.

He did not arrogate any merit for the passage of this bill. He had cherished this system as a favorite child, and he still clung to it, and

should still cling to it. Why had he been reproached? He had come to the child and found it in the hands of the Philistines, who were desirous to destroy it. He wished to save and cherish it, and to find for it better and safer nurses. He did not wish to employ the sword, but to effect his object by concession and conciliation. He wished to see the system placed on a securer basis, to plant it in the bosoms and affections of the people. The gentleman from Pennsylvania, who had learned his views of the system from the senator from South Carolina, had spoken of him as the pilot who was directing the vessel. If it was so, he would ask if she had been secured by a faithful crew? If all had been faithful, he believed there would have been no danger in assailing the system. He assailed no one; he merely defended himself against the reproaches of others.

Another motive with him was to preserve the Union. He feared he saw hands uplifted to destroy the system; he saw the Union endangered; and in spite of all peril which might assail himself, he had determined to stand forward and attempt the rescue.

He felt himself pained exceedingly in being obliged to separate on the question, from valued friends, especially from his friend from Massachusetts, whom he had always respected, and whom he still respected. He then replied to the argument founded on the idea that the protective principle had been abandoned by this bill. He admitted that protection had been better secured by former bills, but there was no surrender by this. He considered revenue as the first object, and protection as the second. As to the reduction of the revenue, he was of opinion that there was an error in the calculations of gentlemen. He thought that, in the article of silks alone, there would be a considerable reduction. The protection to the mechanic arts was only reduced by the whole operation of the bill to twenty-six per centum, and he did not know that there would be any just ground for complaint, as some of the mechanic arts now enjoy only twenty-five per centum.

The argument of the senator from New York (Mr. Wright) was against the bill, but he was happy to find his vote was to be for it. If his argument brought other minds to the same conclusion to which it had brought his, the bill would not be in any danger. He would say, save the country; save the Union; and save the American system.

ON PRESIDENT JACKSON'S VETO OF THE LAND BILL.

IN SENATE, DECEMBER 5, 1833.

[MR. CLAY'S Land Bill had passed both Houses of Congress, on the 1st of March, 1833, by majorities sufficiently large to make it a law against the president's veto, or to make it probable that such would be the result of such a contingency. But General Jackson did not return the bill, but put it in his pocket for future use. On the 4th of March of this year, the Twenty-second Congress ceased to exist, and with it expired the first term of General Jackson's presidency. Consequently, it was impossible that General Jackson, who entered on his second term of office as a newly-elected president, the 4th of March, 1833, or that the Twenty-third Congress which came in on that day, could either of them constitutionally enter on any unfinished business of the Twenty-second Congress. Nor could the Twenty-third Congress take it up, except *de novo*. The Constitution prescribes, that a bill which has passed both Houses of Congress, if not approved by the president, shall be returned by him in ten days to the House in which it originated, with his reasons. But the same Senate which originated Mr. Clay's Land Bill did not exist after the 3d of March, 1833. The bill, therefore, was evidently dead, and General Jackson killed it by retaining it in his pocket, and not returning it to the Senate of the Twenty-second Congress. Nevertheless, General Jackson, a new president, being in his second term, sent back the bill to the new Senate of the Twenty-third Congress, with his reasons for disapproving it. He took a dead carcass, murdered by his own hand, and flung it on the floor of the Senate of the United States!

The retaining of the bill was an unwarranted assumption of power, which would have been tolerated in no man except General Jackson; and throwing it at the Senate of the Twenty-third Congress was an insult to that body, which could not entertain, and which had no right to touch it. It would have

been equally proper to send it to one of the Houses of the British Parliament, as neither they nor either House of the Twenty-third Congress had any constitutional connection with it. It was dead also in General Jackson's hands, after the 3d of March, 1833, as the only term of its vitality was ten days after it was handed to the president, during which term, if the same Congress had continued, and the same president been in the chair, it should have been approved, or returned with a veto; or if neither approved nor returned, it would pass into law *sub silentis*. If, however, Congress adjourns before ten days, it can not become a law; and if the president neither approves nor returns it before the adjournment that happens within ten days, it is of course dead. The Twenty-second Congress, however, did not adjourn in this case; but it *expired* on the 3d of March, which might possibly raise the question, whether the bill, not having been approved or returned, did not become a law; but it could not raise the question, whether General Jackson, in his second term of office, had any right to touch it. If the bill did not become a law in consequence of his neglect of it during his first term, it was dead.

All these things were perfectly well known to General Jackson, and yet he pocketed the bill, and returned it to the Senate of the Twenty-third Congress, a new body, himself a newly-elected president, and therefore not the same official to whom the bill was sent, although the same person.]

This measure had been first introduced into Congress at the session before the last, under circumstances which must be within the recollection of every member of the Senate. Its object was, to dispose of the proceeds of the public lands for a limited time. The subject had been greatly discussed not only in Congress, but throughout the country. The principles and provisions of the bill were well and generally understood. The subject had attracted the attention of the chief magistrate himself, and this bill was made the subject of commentary in his message at the commencement of the last session of Congress. It must, therefore, be considered as a subject perfectly well understood by the president, for it was not to be supposed that he would have commented upon it, and recommended it to the attention of Congress, if it had not been understood. During the last session, this bill, which had previously been before the House, was introduced in this body, and was passed, and sent to the other House, whence it was returned with a slight amendment, taking away the discretion which had been vested in the State Legislatures as to the disposal of the proceeds. This bill, which had been before Congress the session before the last,

which had passed at the last session, having been before the country for a whole year, when it passed the two Houses, was placed before the executive, with a number of other measures, just before the close of the last Congress. As the subject had been before the president for consideration so long previously to the passage of the bill, and he had reflected upon it, it was not to have been expected that he would take advantage of the shortness of the session to retain the bill until this time. Yet such had been the fact, and a proceeding had taken place which was unprecedented and alarming, and which, unless the people of this country were lost to all sense of what was due to the legislative branch of the government, to themselves, and to those principles of liberty which had been transmitted to them from the Revolution, they would not tolerate. It was at least due to the Legislature, that the president should have sent a few lines, courteously informing them, that when his own mind was made up he would communicate the result. But, without deigning to make known his intention, or to impart the reasons which influenced him, he despotically kept silence, and retained the bill. He begged leave to congratulate the Senate on the return of the bill. The question which now presented itself was, whether the bill was dead, in consequence of the non-action of the president, or whether it had become an existing law. He was not now about to discuss that question; but he had felt himself called on to make a few observations on the extraordinary course, and to say that it was due to Congress, to the people, and to the executive himself, to have informed the last Congress in reference to this subject, concerning which he must have made up his mind. He would now move to lay this bill on the table, and would afterward give notice of a day when he should ask leave to bring in a bill in order to submit it again to the action of the Senate.

Mr. Kane wished to know if it was the intention of the senator from Kentucky that the bill should lie permanently on the table, or only to be called up at an early day.

Mr. Clay replied that the only alternative was to consider the bill as defunct, or as an existing law. If the gentleman from Illinois could point out any other course, he had read some clause in the Constitution which he (Mr. Clay) had never been so fortunate as to find.

Mr. Benton said he would wish to make a remark; and, if he was precluded by the pressing of this question, he would find some other opportunity of making it.

The question was then taken on the motion to lay the bill upon the table, and decided in the affirmative—ayes nineteen.

Mr. Benton then moved to take up the message for consideration

After further discussion, Mr. Clay said he did not rise to reply to any one who had felt himself called upon to rise in the Senate to vindicate the president. If there were any such member, he did not wish to disturb him in his office of vindicator of the president, or to affect the complacency

with which he might regard his vindication. But he (Mr. Clay) stood here to sustain his own course, to vindicate the Constitution, and to vindicate the rights of Congress under it. And he must repeat, that the withholding of the land bill, at the last session, under the circumstances of the case, was a violation of the Constitution, and disrespectful to the Senate. What were the circumstances?

At two different sessions of Congress, the land subject was before it. At that which preceded the last, a bill had been introduced to distribute among the States the proceeds of the public lands. The whole subject, by the bill and by reports of committees, was laid before Congress and spread before the country. A copy of the bill, when it was first introduced, according to the constant practice of Congress, was sent to the president. He was thus, as well as the country generally, put in entire possession of the matter. It attracted great public attention. It engaged that of the president. And, accordingly, at the commencement of the last session, in his annual message, he adverted to it, in a manner which evidently showed that the writer of the message fully understood it, and all the views which had been developed about it.

[Here Mr. Clay read the message of the last session, so far as it related to the public lands, to show that the president had himself invited the attention of Congress to it, as one of urgent and pressing importance; that the discretion of Congress to make any disposition of the public lands, which they might deem best for the harmony, union, and interest of the United States, was uncontrolled; that the question ought speedily to be settled; and that the president had considered, but objected to the bill of the previous session, proposing, as a substitute, a plan of his own, which, while the message on the table argued that the public lands belonged to all the States, proposed to give the unsold lands to some of them.]

Thus was Congress, at the commencement of the last session, officially invited to act, and to act speedily, respecting the public lands; and thus did the president manifest his knowledge of the provisions of the bill of the previous session. Well, sir, Congress again took up the question. The identical bill of the previous session was again introduced, and again, prior to its passage, placed before the president, along with the other printed documents, according to standing usage. And it was passed by both Houses, substantially in the shape in which at the previous session it was passed by the Senate, except that the restriction as to the power of the States to supply the sum to be distributed among the several States, after the deduction of the twelve and a half per centum first set apart for the new States, was stricken out.

In this form, the bill was laid before the president on the 2d day of March last. It was no stranger, but an old acquaintance. He had seen it repeatedly before; and he must have been well informed as to its progress in Congress. He had commented on the very project contained in the

bill, when he had brought forward his own in his message, at the opening of the session. Without deigning to communicate to Congress what disposition he had made, or meant to make of it, he permitted the body to rise, in utter ignorance of his intentions.

It may be true that there was a great press of business on the president on the 2d of March, and that he may have acted upon some ninety or one hundred bills. But this is what occurs with every president on the day before the termination of the short session of Congress. With most of those bills the president must have been less acquainted than he was with the land bill. Of some of them he probably had never heard at all. Not one of them possessed the importance of the land bill. How did it happen that the president could find time to decide on so many new bills, and yet had not time to examine and dispose of one which had long been before him and the public; one embracing a subject which he thought the union, harmony, and interests of the States required should be speedily adjusted; one which he himself had pronounced his judgment upon at the commencement of the session? By withholding the bill, the president took upon himself a responsibility beyond the exercise of the veto. He deprived Congress altogether of its constitutional right to act upon the bill, and to pass it, his negative notwithstanding.

The president is, by the Constitution, secured time to consider bills which shall have passed both branches of Congress. But so is Congress equally secured the right to act upon bills which they have passed, and which the president may have thought proper to reject. If he exercises his veto, and returns the bill, two thirds may pass it. But if he withholds the bill, it can not become a law, even although the two Houses should be unanimously in its favor.

Mr. Clay denied that the Constitution gave to the president ten days to consider bills, except at the long session. At that session the period of its termination is uncertain, and dependent upon the will of Congress. To guard against a sudden adjournment, by which the president might be deprived of due time to deliberate on an important bill, the Constitution provides for ten days at that session. But, at the short session, it is not an adjournment, but a dissolution of Congress, on the 3d of March, and the day of that dissolution is fixed in the Constitution itself, and known to all.

Mr. Clay contended, therefore, that the act of withholding the bill was arbitrary and unconstitutional, by which Congress, and the Senate especially, in which the bill originated, were deprived of their constitutional right of passing on the bill, after the president had exercised his powers. Respect to Congress required of the president, if he really had not time to form a judgment on the bill, or, having formed it, had not time to lay his reasons before the body, a communication to that effect. But, without condescending to transmit one word upon the subject to Congress, he suffered the session to terminate, and the members to go home destitute of all information, until this day, of his intentions.

Mr. Benton then withdrew his motion to take up the bill.

ON THE REMOVAL OF THE DEPOSITS

IN SENATE, DECEMBER 26, 1833.

[HISTORY is philosophy teaching by example. This maxim has great force in application to the facts which constitute the subject of the following speech. The liberties of the country never came so near a wreck as when General Jackson removed the deposits from the Bank of the United States, and the American people will never know their obligations to Mr. Clay for stepping forward on this occasion, and rebuking, as he did, this alarming assumption of power. The following speech is now history, and it is almost incredible. General Jackson had gained an irresistible ascendency over the minds of the people, and he wanted that balance of character which is required to use it for the best ends. His first election was a triumph, and his second election seated him firm in the seat of power. He was giddy in his elevation, and knew that he could do what he pleased; and he set out to do it with a strong hand. Neither the Constitution nor the laws could stand in his way, and they snapped like threads before his will. Mr. Clay was the only man that could stand up in the Senate of the nation, and depict these enormities as they deserved. True, General Jackson was not the man to heed advice from that quarter, delivered in such terms, if he had not gone too far, and shocked the sense of the nation, and if there had not been those about him who could have some influence in checking and modifying his violent passions. This speech of Mr. Clay, simply because it was true, told with tremendous power, not only on General Jackson, indirectly through that public opinion on which it acted to arrest his career of usurpation; but it told also with not less effect on the man who consented to be the tool of this outrage on the Constitution and laws; and it will never be forgotten, that he who has officiated as Chief Justice of the United States for a quarter of a century, purchased that high dignity by having obsequiously bowed himself to the order of a master! He, whose

first act in the public service was a violation of the Constitution and the laws, was put at the head of a bench which was ordained to judge of the Constitution and laws for all the people of the United States! And he was put there because he himself had been a violater of both! In this may be seen how the very fountain of justice is open to corruption by bribery. It is not denied that Chief Justice Taney may have adorned his position as the head of the federal judiciary, nor that he has not generally discharged his duties with fidelity. Possibly this speech of Mr. Clay may have had a salutary influence upon him. For, if otherwise fit for the place he has so long filled, he must have been well endowed with qualities to profit by the lecture that was read to him in the Senate of the United States, December 26, 1833, and which from that time has been ringing in his ears. But the great fact, that he purchased that high office by one of the most violent outrages on the Constitution and laws of the United States, can never be obliterated from history, so long as the following speech of Mr. Clay constitutes a part of history. It is true that Chief Justice Taney was then only Secretary of the Treasury; but it is equally well known that he was made Chief Justice because he consented to remove the deposits.

The influence of this speech, and of other similar efforts of Mr. Clay, in arresting the mad career of General Jackson, and saving the country from impending calamities, can never be known; but it was great and wide-spread, and will never cease to be instructive as a matter of history.]

Resolved, that by dismissing the late Secretary of the Treasury, because he would not, contrary to his sense of his own duty, remove the money of the United States in deposit with the bank of the United States and its branches, in conformity with the president's opinion; and by appointing his successor to effect such removal, which has been done, the president has assumed the exercise of a power over the treasury of the United States not granted to him by the Constitution and laws, and dangerous to the liberties of the people.

Resolved, that the reasons assigned by the Secretary of the Treasury for the removal of the money of the United States, deposited in the bank of the United States and its branches, communicated to Congress on the 3d of December, 1833, are unsatisfactory and insufficient.

We are in the midst of a revolution, hitherto bloodless, but rapidly tending toward a total change of the pure republican character of the government, and to the concentration of all power in the hands of one man. The powers of Congress are paralyzed, except when exerted in conformity with his will, by frequent and an extraordinary exercise of the executive

veto, not anticipated by the founders of our Constitution, and not practiced by any of the predecessors of the present chief magistrate. And, to cramp them still more, a new expedient is springing into use, of withholding alto gether bills which have received the sanction of both Houses of Congress, thereby cutting off all opportunity of passing them, even if, after their return, the members should be unanimous in their favor. The constitutional participation of the Senate in the appointing power is virtually abolished by the constant use of the power of removal from office, without any known cause, and by the appointment of the same individual to the same office after his rejection by the Senate. How often have we, senators, felt that the check of the Senate, instead of being, as the Constitution intended, a salutary control, was an idle ceremony? How often, when acting on the case of the nominated successor, have we felt the injustice of the removal? How often have we said to each other, well, what can we do? the office can not remain vacant without prejudice to the public interest, and, if we reject the proposed substitute, we can not restore the displaced; and, perhaps, some more unworthy man may be nominated.

The judiciary has not been exempt from the prevailing rage for innovation. Decisions of the tribunals, deliberately pronounced, have been contemptuously disregarded. And the sanctity of numerous treaties openly violated. Our Indian relations, coeval with the existence of the government, and recognized and established by numerous laws and treaties, have been subverted, the rights of the helpless and unfortunate aborigines trampled in the dust, and they brought under subjection to unknown laws, in which they have no voice, promulgated in an unknown language. The most extensive and most valuable public domain that ever fell to the lot of one nation, is threatened with a total sacrifice. The general currency of the country—the life-blood of all its business—is in the most imminent danger of universal disorder and confusion. The power of internal improvement lies crushed beneath the veto. The system of protection of American industry was snatched from impending destruction at the last session; but we are now coolly told by the Secretary of the Treasury, without a blush, "that it is understood to be conceded on all hands, that the tariff for protection merely is to be finally abandoned." By the 3d of March, 1837, if the progress of innovation continues, there will be scarcely a vestige remaining of the government and its policy, as they existed prior to the 3d of March, 1829. In a term of eight years, a little more than equal to that which was required to establish our liberties, the government will have been transformed into an elective monarchy—the worst of all forms of government.

Such is a melancholy but faithful picture of the present condition of our public affairs. It is not sketched or exhibited to excite, here or elsewhere, irritated feeling. I have no such purpose. I would, on the contrary, implore the Senate and the people to discard all passion and prejudice, and to look calmly, but resolutely, upon the actual state of the Constitution

and the country. Although I bring into the Senate the same unabated spirit, and the same firm determination which have ever guided me in the support of civil liberty, and the defense of our Constitution, I contemplate the prospect before us with feelings of deep humiliation and profound mortification.

It is not among the least unfortunate symptoms of the times, that a large portion of the good and enlightened men of the Union, of all parties, are yielding to sentiments of despondency. There is, unhappily, a feeling of distrust and insecurity pervading the community. Many of our best citizens entertain serious apprehensions, that our Union and our institutions are destined to a speedy overthrow. Sir, I trust that the hopes and confidence of the country will revive. There is much occasion for manly independence and patriotic vigor, but none for despair. Thank God, we are yet free; and, if we put on the chains which are forgeing for us, it will be because we deserve to wear them. We should never despair of the republic. If our ancestors had been capable of surrendering themselves to such ignoble sentiments, our independence and our liberties would never have been achieved. The winter of 1776–7 was one of the gloomiest periods of the Revolution; but on this day, fifty-seven years ago, the father of his country achieved a glorious victory, which diffused joy and gladness and animation throughout the States. Let us cherish the hope that, since he has gone from among us, Providence, in the dispensation of his mercies, has near at hand in reserve for us, though yet unseen by us, some sure and happy deliverance from all impending dangers.

When we assembled here last year, we were full of dreadful forebodings. On the one hand we were menaced with a civil war, which, lighted up in a single State, might spread its flames throughout one of the largest sections of the Union. On the other, a cherished system of policy, essential to the successful prosecution of the industry of our countrymen, was exposed to imminent danger of immediate destruction. Means were happily applied by Congress to avert both calamities; the country was reconciled, and our Union once more became a band of friends and brothers. And I shall be greatly disappointed, if we do not find those who were denounced as being unfriendly to the continuance of our confederacy, among the foremost to fly to its preservation, and to resist all executive encroachment.

Mr. President, when Congress adjourned, at the termination of the last session, there was one remnant of its powers, that over the purse, left untouched. The two most important powers of civil government are, those of the sword and the purse. The first, with some restriction, is confided by the Constitution to the executive, and the last to the legislative department. If they are separate, and exercised by different responsible departments, civil liberty is safe; but if they are united in the hands of the same individual, it is gone. That clear-sighted and sagacious revolutionary orator and patriot, Patrick Henry, justly said, in the Virginia convention, in reply to one of his opponents:

"Let him candidly tell me where and when did freedom exist, when the sword and purse were given up from the people? Unless a miracle in human affairs interposed, no nation ever retained its liberty after the loss of the sword and the purse. Can you prove by any augmentative deduction, that it is possible to be safe without one of them? If you give them up you are gone."

Up to the period of the termination of the last session of Congress, the exclusive constitutional power of Congress over the treasury of the United States had never been contested. Among its earliest acts was one to establish the treasury department, which provided for the appointment of a treasurer who was required to give bond and security in a very large amount, "to receive and keep the money of the United States, and to disburse the same, upon warrants drawn by the Secretary of the Treasury, countersigned by the comptroller, recorded by the register, and not otherwise." Prior to the establishment of the present bank of the United States, no treasury or place had been provided and designated by law for the safe-keeping of the public moneys, but the treasurer was left to his own discretion and responsibility. When the existing bank was established, it was provided that the public moneys should be deposited with it, and consequently that bank became the treasury of the United States. For whatever place is designated by law for the keeping of the public money of the United States, under the care of the treasurer of the United States, is for the time being the treasury. Its safety was drawn in question by the chief magistrate, and an agent was appointed, a little more than a year ago, to investigate its ability. He reported to the executive, that it was perfectly safe. His apprehensions of its solidity were communicated by the president to Congress, and a committee was appointed to examine the subject. They, also, reported in favor of its security. And, finally, among the last acts of the House of Representatives, prior to the close of the last session, was the adoption of a resolution, manifesting its entire confidence in the ability and solidity of the bank.

After all these testimonies to the perfect safety of the public moneys, in the place appointed by Congress, who could have supposed that the place would have been changed? Who could have imagined, that within sixty days of the meeting of Congress, and, as it were, in utter contempt of its authority, the change should have been ordered? Who would have dreamed, that the treasurer should have thrown away the single key to the treasury, over which Congress held ample control, and accepted in lieu of it some dozens of keys, over which neither Congress nor he has any adequate control? Yet, sir, all this has been done; and it is now our solemn duty to inquire, first by whose authority it has been ordered? and, secondly, whether the order has been given in conformity with the Constitution and laws of the United States?

I agree, sir, and I am happy whenever I can agree with the president, as to the immense importance of these questions. He says, in a paper which I hold in my hand, that he looks upon the pending question as involving

higher consideration than the "mere transfer of a sum of money from one bank to another. Its decision may affect the character of our government for ages to come." And with him, I view it as of transcendent importance, both in its consequences and the great principles which the question involves. In the view which I have taken of this subject, I hold the bank as nothing, as perfectly insignificant, faithful as it has been in the performance of all its duties, efficient as it has proved in regulating the currency, than which there is none in all Christendom so sound, and deep as is the interest of the country in the establishment and continuance of a sound currency, and the avoidance of all those evils which result from a defective or unsettled currency. All these I regard as questions of no importance, in comparison with the principles involved in this executive innovation. It involves the distribution of power by the executive, and the taking away a power from Congress which it was never before doubted to possess—the power over the public purse. Entertaining these views, I shall not, to-day, at least, examine the reasons assigned by the president, or by the Secretary of the Treasury; for if the president had no power to perform the act, no reasons however cogent or strong, which he can assign as urging him to the accomplishment of his purpose, no reasons, can sanctify an unconstitutional and illegal act.

The first question, sir, which I intimated it to be my purpose to examine, was, by whose direction was this change of the deposits made?

Now, sir, is there any man who hears me, who requires proof on this point? Is there an intelligent man in the whole country who does not know who it was that decided on the removal of the deposits? Is it not of universal notoriety? Does any man doubt that it was the act of the president? That it was done by his authority and at his command? The president, on this subject, has himself furnished evidence which is perfectly conclusive, in the paper which he has read to his cabinet; for, although he has denied to the Senate an official copy of that paper, it is universally admitted that he has given it to the world, as containing the reasons which influenced him to this act. As a part of the people, if not in our senatorial character, we have a right to avail ourselves of that paper, and of all which it contains. Is it not perfectly conclusive as to the authority by which the deposits have been removed? I admit that it is an unprecedented and most extraordinary power. The Constitution of the United States admits of a call, from the chief magistrate, on the heads of departments, for their opinions in writing.

It appears, indeed, that this power which the Constitution confers on the president, had been exercised, and that the cabinet were divided, two and two; and one, who was ready to go on either side, being a little indifferent how this great constitutional power was settled by the president. The president was not satisfied with calling on his cabinet for their opinions, in the customary and constitutional form; but he prepares a paper of his own, and instead of receiving reasons from them, reads to them, and thus

indoctrinates them according to his own views. This, sir, is the first time in the history of our country, when a paper has been thus read, and thus published. The proceeding is entirely without precedent. Those who now exercise power, consider all precedents wrong. They hold precedents in contempt; and casting them aside, have commenced a new era in administration. But while they thus hold all precedents in contempt, disregarding all, no matter how long established, no matter to what departments of the government they may have given sanction, they are always disposed to shield themselves behind a precedent, whenever they can find one to subserve their purpose.

But the question is, Who gave the order for the removal of the deposits? By whose act were they removed from the bank of the United States, where they were required by the law to be placed, and placed in banks which the law never designated? I tell the gentlemen who are opposed to me, that I am not to be answered by the exhibition of an order signed by R. Taney, or any one else. I want to know, not the clerk who makes the writing, but the individual who dictates—not the hangman who executes the culprit, but the tribunal which orders the execution. I want the original authority, that I may know by whose order, on whose authority, the public deposits were removed, and I again ask, is there a member of this Senate, is there an intelligent man in the whole country, who doubts on this point? Hear what the president himself says, in his manifesto read to his cabinet:

"The president deems it his duty, to communicate in this manner to his cabinet the final conclusion of his own mind, and the reasons on which they are founded," and so forth.

At the conclusion of this paper what does he say?

"The president again repeats, that he begs his cabinet to consider the proposed measure as his own, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed, after the most mature reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise, without which all will unite in saying, that the blood and treasure expended by our forefathers in the establishment of our happy system of government will have been vain and fruitless. Under these convictions he feels that a measure so important to the American people can not be commenced too soon; and he therefore names the 1st day of October next as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the State banks can be made."

Sir, is there a senator here who will tell me that this removal was not made by the president? I know, indeed, that there are in this document many of those most mild, most gracious, most condescending expressions, with which power too well knows how to clothe its mandates. The presi-

dent coaxes, he soothes the secretary, in the most bland and conciliating language:

"In the remarks he has made on this all-important question, he trusts the Secretary of the Treasury will see only the frank and respectful declarations of the opinions which the president has formed on a measure of great national interest, deeply affecting the character and usefulness of his administration; and not a spirit of dictation, which the president would be as careful to avoid, as to resist. Happy will he be, if the facts now disclosed produce uniformity of opinion and unity of action among the members of the administration."

Sir, how kind! how gentle! How very gracious must this have sounded in the gratified ear of the Secretary of the Treasury! Sir, it reminds me of an historical anecdote, related of one of the most remarkable characters which our species has ever produced. While Oliver Cromwell was contending for the mastery of Great Britain or Ireland (I do not now remember which), he besieged a certain Catholic town. The place made a stout resistance; but at length the town being likely to be taken, the poor Catholics proposed terms of capitulation, stipulating therein for the toleration of their religion. The paper containing the terms was brought to Oliver, who, putting on his spectacles to read it, cried out, "Oh, granted, granted, certainly;" he added, however, "but if one of them shall dare to be found attending mass, he shall be hanged;" (under what section is not mentioned; whether under a second, or any other section, of any particular law, we are not told).

Thus, sir, the secretary was told by the president, that he had not the slightest wish to dictate—Oh, no; nothing is further from the president's intention; but, sir, what was he told in the sequel? "If you do not comply with my wishes—if you do not effect the removal of these deposits within the period I assign you—you must quit your office." And what, sir, was the effect? This document bears date on the 18th of September. In the official paper, published at the seat of government, and through which it is understood that the government makes known its wishes and purposes to the people of the United States, we were told, under date of the 20th of September, 1833, two days only after this cabinet paper was read, as follows:

"We are authorized to state"—[authorized; this is the word which gave credit to this annunciation—] "We are authorized to state, that the deposits of the public money will be changed from the bank of the United States to the State banks, as soon as necessary arrangements can be made for that purpose; and that it is believed they can be completed in Baltimore, Philadelphia, New York, and Boston, in time to make the change by the 1st of October, and perhaps sooner, if circumstances should render an earlier action necessary on the part of the government."

Yes, sir, on the 18th of September this measure was decided on; and on the 20th, it is announced to the people, that the deposits would be re-

moved by the 1st of October, or sooner, if practicable! Mr. Duane was continued in office till the 23d, on which day he was dismissed; and between the 23d and the 26th, on which latter day the mere clerical act of signing the order for removal was performed, Mr. Taney, by whom it was done, was appointed Secretary of the Treasury, having conformed to the will of the president, against his own duty, which Mr. Duane would not do. Yes, sir, on the 20th went forth this proclamation, by authority, of the removal of the deposits, although Mr. Duane remained in office till the 23d. On this point we have conclusive proof in a letter of the president to that gentleman, dated on the 23d, which letter, after all the gracious, friendly, and conciliating language of the cabinet paper, concludes in these terms:

"I feel constrained to notify you, that your further services as Secretary of the Treasury are no longer required."

Such, Mr. President, is the testimony on the one side to prove the truth of the proposition, that the removal of the deposits from the bank of the United States, was a measure determined on by the president himself—determined on while the latter Secretary of the Treasury was still in office, and against the will of the secretary; although Mr. Taney may have put his signature to the order on the 26th—a mere ministerial act, done in conformity with the previous decision of the president, that the removal should take place on or before the 1st of October.

I now call the attention of the Senate to testimony of the other party; I mean Mr. Duane. After giving a history of the circumstances which accompanied his appointment to office, and what passed antecedently to his removal, he proceeds to say:

"Thus was I thrust into office; thus was I thrust from office; not because I had neglected any duty; not because I had differed with him about the bank of the United States; but because I refused, without further inquiry by Congress, to remove the deposits."

Can testimony be more complete to establish the proposition I have advanced? And is it possible, after the testimony of the president on one side, and of his secretary on the other, that the former had decided that the deposits should be removed, and had removed the secretary because he would not do it, that any man can doubt that the removal was the president's own act?—that it was done in accordance with his command?

And now, sir, having seen that the removal was made by the command and authority of the president, I shall proceed to inquire whether it was done in conformity with the Constitution and laws of the United States.

I do not purpose at this time to go into the reasons alleged by the president or his secretary, except so far as those reasons contain an attempt to show that he possessed the requisite authority. Because if the president of the United States had no power to do this thing—if the Constitu-

tion and laws, instead of authorizing it, required him to keep his hands off the treasury—it is useless to inquire into any reasons he may give for exercising a power which he did not possess. Sir, what power has the President of the United States over the treasury? Is it in the charter establishing the bank? The clause of the charter relating to the public deposits declares,

"That the deposits of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction."

This is in strict consonance with the act creating the treasury department in 1789. The Secretary of the Treasury is by that act constituted the agent of Congress; he is required to report to Congress, annually, the state of the finances, and his plans respecting them; and if Congress, in either of its branches, shall require it, he is to report at any time on any particular branch of the fiscal concerns of the country. He is the agent of Congress to watch over the safety of the national deposits; and if, from any peculiar circumstances, the removal of them shall be required, he is to report the fact—to whom? to the president? No, sir; he must report to Congress, together with his reasons therefor. By the charter of the bank, the President of the United States is clothed with two powers respecting it, and two only. By one of its clauses he is authorized to nominate, and by and with the consent of the Senate, to appoint the government directors, and to remove them; by the other clause he is empowered to issue a *scire facias* when he shall apprehend that the charter of the institution has been violated. These, I say, are the only powers given him by the charter; all others are denied to him, and are given to others. The bank is not bound to report the state of its affairs to him, but to the Secretary of the Treasury; and it is thus to report whenever he shall call upon it for information; but when it becomes necessary to go further, a committee of Congress is authorized to examine the books of the bank, and to look into the whole state of its affairs, and to report, not to the president, but to Congress, who appointed them. The president, as I have said, is restricted to the two powers of appointing directors, and issuing a *scire facias*.

And has the president any power over the treasury by the Constitution? None, sir—none. The Constitution requires that no money shall be drawn from the treasury except by appropriation, thus placing it entirely under the control of Congress. But the president himself says—"upon him has been devolved, by the Constitution and the suffrages of the American people, the duty of superintending the operation of the executive departments of the government, and seeing that the laws are faithfully executed." Sir, the president, in another part of this same paper, refers to the same suf

frages of the American people, as the source of some new powers over and above those in the Constitution, or at least as expressive of their approbation of the exercise of them. Sir, I differ from the president on this point; and though it does not belong exactly in this place in the argument, I will add a remark or two on this idea. His re-election resulted from his presumed merits generally, and the confidence and attachment of the people; and from the unworthiness of his competitor; nor was it intended thereby to express their approbation of all the opinions he was known to hold. Sir, it can not be believed that the great State of Pennsylvania, for instance, which has so justly been denominated the key-stone of our federal arch, in voting again and again for the present chief magistrate, meant by that act to reverse her own opinions on the subject of domestic industry. Sir, the truth is, that the re-election of the president proves as little an approbation by the people of all the opinions he may hold, even if he had ever unequivocally expressed what those opinions were (a thing which he never, so far as my knowledge extends, has yet done), as it would prove that if the president had a carbuncle or the king's evil, they meant, by re-electing him, to approve of his carbuncle.

But the president says, that the duty "has been devolved upon him," to remove the deposits, "by the Constitution and the suffrages of the American people." Sir, does he mean to say that these suffrages created of themselves a new source of power? That he derived an authority from them which he did not hold as from any other source? If he means that their suffrages made him the president of the United Sthtes, and that, as president, he may exercise every power pertaining to that office under the Constitution and the laws, there are none who can controvert it; but then there could be no need to add the suffrages to the Constitution. But his language is, "the suffrages of the American people and the Constitution." Sir, I deny it. There is not a syllable in the Constitution which imposes any such duty upon him. There is nothing of any such thing; no color to the idea. It is true, that by law, all the departments, with the exception of the treasury, are placed under the general care of the president. He says this is done by the Constitution. The laws, however, have appointed but three executive departments; and it is true, that the secretaries are often required by law to act in certain cases according to the directions of the president. So far it is admitted that they have been, by the law (not by the Constitution), placed under the direction of the president. Yet, even as to the State Department, there are duties devolving upon the secretary over which the president has no control; and for the non-performance of which that officer is responsible, not to the president, but to the legislative tribunals, or to the courts of justice. This is no new opinion. The Supreme Court, in the case of Marbury and Madison, expressed it in the following terms:

"By the Constitution of the United States, the president is invested with certain important political powers, in the exercise of which, he is to use his own

discretion, and is accountable only to his country in his political character, and to his own conscience. To aid him in the performance of these duties, he is authorized to appoint certain officers, who act by his authority, and in conformity to his orders.

* * * * * * * * *

"In such cases, their acts are his acts; and whatever opinion may be entertained of the manner in which executive discretion may be used, still there exists, and can exist, no power to control that discretion. The subjects are political. They respect the nation, not individual rights, and being intrusted to the executive, the decision of the executive is conclusive. The application of this remark will be perceived by adverting to the act of Congress for establishing the department of foreign affairs. This officer, as his duties were prescribed by that act, is to conform precisely to the will of the president. He is the mere organ by whom that will is communicated. The acts of such an officer, as an officer, can never be examined by the courts.

"But when the Legislature proceeds to impose on that officer other duties; when he is directed peremptorily to perform certain acts (that is, when he is not placed under the direction of the president), when the rights of individuals are dependent on the performance of those acts, he is so far the officer of the law; is amenable to the laws for his conduct; and can not at his discretion sport away the vested rights of others.

"The conclusion from this reasoning is, that where the heads of departments are the political or confidential agents of the executive, merely to execute the will of the president, or rather to act in cases in which the executive possesses a constitutional or legal discretion, nothing can be more perfectly clear than that their acts are only politically examinable. But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured has a right to resort to the laws of his country for a remedy."

Though the president is mistaken in his assertion, that the Constitution devolves upon the president the superintendence of the departments, there is one clause of that instrument which he has very correctly quoted, and which makes it his duty to "see that the laws are faithfully executed," as it is mine now to examine what authority he obtains by this clause in the case before us. Under it, the most enormous pretensions have been set up for the president.

It has been contended, that if a law shall pass which the president does not conceive to be in conformity with the Constitution, he is not bound to execute it; and if a treaty shall have been made, which, in his opinion, has been unconstitutional in its stipulations, he is not bound to enforce them. And it necessarily follows, that, if the courts of justice shall give a decision, which he shall in like manner deem repugnant to the Constitution, he is not expected or bound to execute that law. Sir, let us look a little into this principle, and trace it out into some of its consequences.

One of the most important acts performed at the department is, to settle those very large accounts which individuals have with the government;

accounts amounting to millions of dollars; to settle them, an auditor and a comptroller have been appointed by law, whose official acts may affect, to the extent of hundreds of thousands of dollars, the property of individual contractors. If the pretensions of the president are well founded, his power goes further than he has exerted it. He may go into the office of the auditor, or the office of the comptroller, and may say to him, Sir, Mr. A. B. has an account under settlement in this office, one item of which, objected to by you, I consider to be in accordance with the Constitution; pass that account and send it to the auditor; and he may then go to the auditor and hold similar language. If the clause of the Constitution is to be expounded as is contended for, it amounts to a complete absorption of all the powers of government in the person of the executive. Sir, when a doctrine like this shall be admitted as orthodox, when it shall be acquiesced in by the people of this country, our government will have become a simple machine enough. The will of the president will be the whole of it. There will be but one bed, and that will be the bed of Procrustes; but one will, the will of the president. All the departments, and all subordinate functionaries of government, great or small, must submit to that will; and if they do not, then the president will have failed to "see that the laws are faithfully executed."

Sir, such an extravagant and enormous pretension as this must be set alongside of its exploded compeer, the pretension that Congress has the power of passing any and all laws which it may suppose conducive to "the general welfare."

Let me, in a few words, present to the Senate what are my own views as to the structure of this government. I hold that no powers can legitimately be exercised under it but such as are expressly delegated, and those which are necessary to carry these into effect. Sir, the executive power, as existing in this government, is not to be traced to the notions of Montesquieu, or of any other writer of that class, in the abstract nature of the executive power. Neither is the legislative nor the judicial power to be decided by any such reformer. These several powers with us, whatever they may be elsewhere, are just what the Constitution has made them, and nothing more. And as to the general clauses in which reference is made to either, they are to be controlled and interpreted by those where these several powers are specially delegated, otherwise the executive will become a great vortex that must end in swallowing up all the rest. Nor will the judicial power be any longer restrained by the restraining clauses in the Constitution, which relate to its exercise.

What then, it will be asked, does this clause, that the president shall see that the laws are faithfully executed, mean? Sir, it means nothing more nor less than this, that if resistance is made to the laws, he shall take care that resistance shall cease. Congress, by the first article of the eighth section of the Constitution, is required to provide for calling out the militia to execute the laws in case of resistance. Sir, it might as well be contended

under that clause, that Congress have the power of determining what are, and what are not, the laws of the land. Congress has the power of calling out the military; well, sir, what is the president, by the Constitution? He is commander of the army and navy of the United States, and of the militia when called out into actual service. When, then, we are here told that he is clothed with the whole physical power of the nation, and when we are afterward told that he must take care that the laws are faithfully executed, is it possible that any man can be so lost to the love of liberty, as not to admit that this goes no further than to remove any resistance which may be made to the execution of the laws? We have established a system in which power has been carefully divided among different departments of the government. And we have been told a thousand times that this division is indispensable as a safeguard to civil liberty. We have designated the departments, and have established in each officers to examine the powers belonging to each. The president, it is true, presides over the whole; his eye surveys the whole extent of the system in all its movements. But has he power to enter into the courts, for example, and tell them what is to be done? Or may he come here, and tell us the same? Or when we have made a law, can he withhold the power necessary to its practical effect? He moves, it is true, in a high, a glorious sphere. It is his to watch over the whole with a paternal eye; and, when any one wheel of the vast machine is for a time interrupted by the occurrence of invasion or rebellion, it is his care to propel its movements, and to furnish it with the requisite means of performing its appropriate duty in its own place.

That this is the true interpretation of the constitutional clause to which I have alluded, is inferred from the total silence of all cotemporaneous expositors of that instrument on the subject. I have myself (and when it was not in my power personally, have caused others to aid me), made researches into the numbers of the Federalist, the debates in the Virginia convention, and in the conventions of other States, as well as all other sources of information to which I could obtain access, and I have not, in a solitary instance, found the slightest color for the claims set up in these most extraordinary times, for the president, that he has authority to afford or withhold at pleasure the means of enforcing the laws, and to superintend and control an officer charged with a specific duty, made by the law exclusively his. But, sir, I have found some authorities which strongly militate against any such claim. If the doctrine be indeed true, then it is most evident that there is no longer any other control over our affairs than that exerted by the president. If it be true, that when a duty is by law specifically assigned to a particular officer, the president may go into his office and control him in the manner of performing it, then is it most manifest that all barriers for the safety of the treasury are gone. Sir, it is that union of the purse and the sword, in the hand of one man, which constitutes the best definition of tyranny which our language can give.

The charter of the bank of the United States requires that the public

deposits be made in its vaults. It also gives the Secretary of the Treasury power to remove them—and why? The secretary is at the head of the finances of the government. Weekly reports are made by the bank to him. He is to report to Congress annually; and to either House whenever he should be called upon. He is the sentinel of Congress—the agent of Congress—the representative of Congress. Congress has prescribed and has defined his duties. He is required to report to them, not to the president. He is put there by us, as our representative; he is required to remove the deposits when they shall be in danger, and we not in session; but when he does this, he is required to report to Congress the fact, with his reasons for it. Now, sir, if, when an officer of government is thus specifically assigned his duty, if he is to report his official acts on his responsibility to Congress; if, in a case where no power whatever is given to the president, the president may go and say to that officer, "Go and do as I bid you, or you shall be removed from office;" let me ask, whether the danger apprehended by that eloquent man has not already been realized?

But, sir, let me suppose that I am mistaken in my construction of the Constitution; and let me suppose that the president has, as is contended, power to see every particular law carried into effect; what, then, was it his duty to do in the present case under the clause thus interpreted? The law authorized the Secretary of the Treasury to remove the deposits on his responsibility to Congress. Now, if the president has power to see this, like other laws, faithfully executed, then, surely, the law exacted of him that he should see that the secretary was allowed to exercise his free, unbiased, uncontrolled judgment in removing or not removing them. That was the execution of the law. Congress had not said that the Secretary of War, or the Secretary of State, might remove the public deposits from the treasury.

The president has no right to go to the Secretary of War and ask him what the Secretary of the Treasury ought to do. He might as well have consulted the Secretary of the Treasury about a contemplated movement of the army, as to ask the Secretary of War about the disposition of the public moneys. It was not to the president, and all his secretaries combined, that the power was given to alter the disposition of the deposits in the bank. It was to the secretary alone, exclusive of the president, and all the other officers of government. And according to gentlemen's own showing, by their construction of the clause, the secretrary ought to have been left to his own unbiased determination, uncontrolled by the president, or any body else.

I would thank the Secretary of the Senate to get me the sedition law. It is not very certain how soon we may be called to act upon it.

Now, sir, let us trace some of the other sources of the exercise of this power, or motives for it, or by whatever name they are to be called. He says to Mr. Duane:

"The president repeats, that he begs the cabinet to consider the proposed measure as his own, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed, after the most mature deliberation and reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise."

The morals of the people! What part of the Constitution has given to the president any power over "the morals of the people?" None. It does not give such power even over religion, the presiding and genial influence over every true system of morals. No, sir, it gives him no such power.

And what is the next step? To-day he claims a power as necessary to the morals of the people; to-morrow he will claim another, as still more indispensable to our religion. And the president might in this case as well have said that he went into the office of the Secretary of the Treasury, and controlled his free exercise of his authority as secretary, because it was necessary to preserve "the religion of the people!" I ask for the authority. Will any one of those gentlemen here, who consider themselves as the vindicators of the executive, point me to any clause of the Constitution which gives to the present President of the United States any power to preserve "the morals of the people?"

But "the freedom of the press," it seems, was another motive. Sir, I am not surprised that the present Secretary of the Treasury should feel a desire to revive this power over the press. He, I think, was a member of that party which passed the sedition law, under precisely the same pretext. I recollect it was said, that this bank, this monster of tyranny, was taking into its pay a countless number of papers, and by this means was destroying the fair fame of the president and his secretary, and all that sort of thing. Sir, it is sometimes useful to refer back to those old things—to the notions and the motives which induced men in former times to do certain acts which may not be altogether unlike some others in our own time.

The famous sedition act was passed, sir, in 1789; and it contained, among others, the following provision:

"Section 2. That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall, knowingly and willingly, assist or aid in writing, printing, uttering, or publishing, any false, scandalous, and malicious writing or writings, against the government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either House of the said Congress, or the said president, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either of them, the hatred of the good people of the United States, or to stir up sedition within the United States; or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers

in him vested by the Constitution of the United States; or to resist, oppose, or defeat, any such law or act; or to aid, encourage, or abet, any hostile designs of any foreign nation, against the United States, their people, or government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years."

We have now, sir, in the reasons for the removal of the government deposits, the same motives avowed and acted upon. The abuse of the government, bringing into disrepute, using contemptuous language to persons high in authority, constituted the motives for passing the sedition law; and what have we now but a repetition of the same complaints of abuses, disrespect, and so forth. As it is now, so it was then; for, says the next section of the same sedition act:

"That if any person shall be prosecuted, under this act, for the writing or publishing of any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defense, the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause, shall have a right to determine the law and the fact, under the direction of the court, as in other cases."

It is only for the sake of the truth, said they who favored the passage of that law—for the sake of justice; as it is now said that it was necessary to remove the deposits, in order to preserve the purity of the press. That 's all, sir. But there is one part of this assumption of power by the president much more tyrannical than that act. Under that law, the offending party was to have a trial by jury; the benefit of witnesses and of counsel; and the right to have the truth of his alleged libels examined. But what is the case now under consideration? Why, sir, the president takes the whole matter in his own hands; he is at once the judge, the jury, and the executioner of the sentence, and utterly deprives the accused party of the opportunity of showing that the imputed libel is no libel at all, but founded in the clearest truth.

But "the purity of the elective franchise," also, the president has very much at heart. And here, again, I ask what part of the Constitution gives him any power over that "franchise?" Look, sir, at the nature of the exercise of this power! If it was really necessary that steps should be taken to preserve the purity of the press or the freedom of elections, what ought the president to have done? Taken the matter into his own hands? No, sir; it was his duty to recommend to Congress the passage of laws for the purpose, under suitable sanctions; laws which the courts of the United States would execute. We could not have been worse off under such laws, (however exceptionable they might be), than we are now. We could then, sir, have reviewed the laws, and seen whether Congress or the president had properly any power over this matter; or whether the article of the Constitution which forbids that the press shall be touched, and de-

clares that religion shall be sacred from all the powers of legislation, applied in the case or not. This the president has undertaken to do of himself, without the shadow of authority, either in the Constitution or the laws.

Suppose, sir, that this contumacious institution, which committed the great sin, in 1829, of not appointing a new president to a certain one of its branches—suppose that the bank should go on and vindicate itself against the calumnies poured out upon it—that it should continue to stand upon its defense; how inefficient will have been the exercise of power by the president! How inadequate to the end he had in view, of preserving the press from being made use of to defend the bank! Why, sir, if we had had the power, and the president had come to us, we could have laid Mr. Nicholas Biddle by the heels, if he should have undertaken to publish another report of General Smith or Mr. Duffie, or another speech of the eloquent gentleman near me (Mr. Webster), or any other such libels, tending to bring the president or his administration into disrepute. But the President of the United States, who thought he had the bank in his power, who thought he could stop it, who was induced to believe, by that "influence behind the throne, greater than itself," that he could break down the bank at a word, has only shown this want of power over the press, by his attempt to exercise it in the manner he has done. The bank has avowed and openly declared its purpose to defend itself on all suitable occasions. And, what is still more provoking, instead of being a bankrupt, as was expected, with its doors closed, and its vaults inaccessible, it has now, it seems, got more money than it knows what to do with; and this greatest of misers and hoarders, cruelly refuses to let out a dollar of its ten millions of specie, to relieve the sufferings of the banks to which the government deposits have been transferred.

Sir, the President of the United States had nothing to do with the morals of the community. No, sir; for the preservation of our morals we are responsible to God, and I trust that that responsibility will ever remain to Him and His mercy alone. Neither had the president any thing to do with the freedom of the press. The power over it is denied, even to Congress, by the people. It was said, by one of those few able men and bright luminaries, whom Providence has yet spared to us, in answer to complaints by a foreign minister, against the freedom with which the American press treated certain French functionaries, that the press was one of those concerns which admitted of no regulation by the government; that its abuses must be tolerated, lest its freedom should be abridged. Such, sir, is the freedom of the press, as recognized by our Constitution, and so it has been respected ever since the repeal of the obnoxious act which I have already quoted, until the detestable principles of that law have been reasserted by the president, in his assumption of a power, in nowise belonging to his office, of preserving the purity of the press.

Such, sir, are the powers on which the president relies to justify his seiz-

ure of the treasury of the United States. I have examined them one by one; and they all fail, utterly fail, to bear out the act. We are irresistibly brought to the conclusion, that the removal of the public money from the bank of the United States has been effected by the displacement from the head of the treasury department of one who would not remove them, and putting in his stead another person, who would; and, secondly, that the president has no color of authority in the Constitution or the laws for the act which he has undertaken to perform.

Let us now, for a few moments, examine the consequences which may ensue from the exercise of this enormous power. If the president has authority, in a case in which the law has assigned a specific duty exclusively to a designated officer, to control the exercise of discretion by that officer, he has a right to interfere in every other case, and remove every one from office who hesitates to do his bidding, against his judgment of his own duty. This, surely, is a logical deduction not to be resisted. Well, then, how stands the matter? Recapitulating the provisions of the law prescribing how money should be drawn from the treasury and the deduction above stated, what is to prevent the president from going to the comptroller, and, if he will not countersign a warrant which he has found an accommodating secretary to sign, turning him out for another; then going to the register, and doing the same; and then to the treasurer and commanding him to pay over the money expressed in the warrant, or subject himself to expulsion.

Where is the security against such conduct on the part of the president? Where the boundary to this tremendous authority, which he has undertaken to exercise? Sir, every barrier around the treasury is broken down. From the moment that the president said, "I make this measure my own, I take upon myself the responsibility," from that moment the public treasury might as well have been at the Hermitage as at this place. Sir, the measure adopted by the president is without precedent—in our day at least. There is, indeed, a precedent on record, but you must go down to the Christian era for it. It will be recollected, by those who are conversant with ancient history, that after Pompey was compelled to retire to Brundusium, Cæsar, who had been anxious to give him battle, returned to Rome, "having reduced Italy (says the historian), in sixty days (the exact period, sir, between the removal of the deposits, and the meeting of Congress, without the usual allowance of three days' grace), without bloodshed." The historian goes on: "finding the city in a more settled condition than he expected, and many senators there, he addresses them in a mild and gracious manner (as the president addressed his late Secretary of the Treasury), and desired them to send deputies to Pompey with an offer of honorable terms of peace. As Metellus, the tribune, opposed his taking money out of the public treasury, and cited some laws against it (such, sir, I suppose, as I have endeavored to cite on this occasion), Cæsar said, 'arms and laws do not flourish together. If you are not pleased with what

I am about, you have only to withdraw. (Leave the office, Mr. Duane!) War, indeed, will not tolerate much liberty of speech. When I say this, I am renouncing my own right; for you, and all those whom I have found exciting a spirit of faction against me, are at my disposal. Having said this, he approached the doors of the treasury, and as the keys were not produced, he sent for workmen to break them open. Metellus again opposed him, and gained credit with some for his firmness; but Cæsar, with an elevated voice, threatened to put him to death, if he gave any further trouble. 'And you know very well, young man,' said he, 'that this is harder for me to say than to do.' Metellus, terrified by the measure, retired, and Cæsar was afterward easily and readily supplied with every thing necessary for the war."

And where now, sir, is the public treasury? Who can tell? It is certainly without a local habitation, if it be not without a name. And where is the money of the people of the United States? Floating about in treasury drafts or checks to the amount of millions, placed in the hands of tottering banks, to enable them to pay their own debts, instead of being appropriated to the service of the people. These checks are scattered to the winds by the treasurer of the United States, who is required by law to let out money from the treasury, on warrants signed by the Secretary of the Treasury, countersigned, registered, and so forth, and not otherwise.

[Mr. Clay here referred to a correspondence, which he quoted, between the treasurer and the officers of the bank, complaining of these checks drawn without proper notice, and so forth, in which the treasurer says they were only issued to be used in certain contingences and so forth.]

Thus, sir, the people's money is put into a bank here, and a bank there, in regard to the solvency of which we know nothing, and it is placed there to be used in the event of certain contingences—contingences of which neither the treasurer nor the secretary have yet deigned to furnish us any account.

Where was the oath of office of the treasurer, when he ventured thus to sport with the people's money? Where was the Constitution, which forbids money to be drawn from the treasury without appropriation by law? Where was the treasurer's bond, when he thus cast about people's money? Sir, his bond is forfeited. I do not pretend to any great knowledge of the law, but give me an intelligent and unpacked jury, and I will undertake to prove to him that he has forfeited the penalty of his bond.

Mr. President, the people of the United States are indebted to the president for the boldness of this movement; and as one among the humblest of them, I profess my obligations to him. He has told the Senate, in his message refusing an official copy of his cabinet paper, that it has been published for the information of the people. As a part of the people, the Senate, if not in their official character, have a right to its use. In that extraordinary paper, he has proclaimed, that the measure is his own; and

that he has taken upon himself the responsibility of it. In plain English, he has proclaimed an open, palpable, and daring usurpation!

For more than fifteen years, Mr. President, I have been struggling to avoid the present state of things. I thought I perceived in some proceedings, during the conduct of the Seminole war, a spirit of defiance to the Constitution and to all law. With what sincerity and truth, with what earnestness and devotion to civil liberty, I have struggled, the searcher of all human hearts best knows. With what fortune, the bleeding Constitution of my country now fatally attests.

I have, nevertheless, persevered; and under every discouragement during the short time that I expect to remain in the public councils I will persevere. And if a bountiful Providence would allow an unworthy sinner to approach the throne of grace, I would beseech Him, as the greatest favor He could grant to me here below, to spare me until I live to behold the people rising in their majesty, with a peaceful and constitutional exercise of their power, to expel the Goths from Rome; to rescue the public treasury from pillage, to preserve the Constitution of the United States; to uphold the Union against the danger of the concentration and consolidation of all power in the hands of the executive; and to sustain the liberties of the people of this country against the imminent perils to which they now stand exposed.

[Here, Mr. Clay, who was understood to have gone through the first part of his speech only, gave way, and Mr. Ewing of Ohio moved that the further consideration of the subject be postponed until Monday next; which was ordered accordingly. And then the Senate adjourned to that day. December 30th, Mr. Clay resumed his speech].

Before I proceed to a consideration of the report of the Secretary of the Treasury, and the second resolution, I wish to anticipate and answer an objection, which may be made to the adoption of the first. It may be urged, that the Senate, being, in a certain contingency, a court of impeachment, ought not to prejudge a question which it may be called upon to decide judicially. But by the Constitution the Senate has three characters, legislative, executive, and judicial. Its ordinary, and by far its most important character, is that of its being a component part of the legislative department. Only three or four cases, since the establishment of the government (that is, during a period of nearly half a century) have occurred, in which it was necessary that the Senate should act as a judicial tribunal, the least important of all its characters. Now it would be most strange if, when its constitutional powers were assailed, it could not assert and vindicate them, because, by possibility, it might be required to act as a court of justice. The first resolution asserts, only, that the president has assumed the exercise of a power over the public treasury not granted by the Constitution and laws. It is silent as to motive; and without the *quo animo*—the deliberate purpose of usurpation—the president would not be liable to

impeachment. But if a concurrence of all the elements be necessary to make out a charge of willful violation of the Constitution, does any one believe that the president will now be impeached? And shall we silently sit by and see ourselves stripped of one of the most essential of our legislative powers, and the exercise of it assumed by the president, to which it is not delegated, without effort to maintain it, because, against all human probability, he may be hereafter impeached?

The report of the Secretary of the Treasury, in the first paragraph, commences with a misstatement of the fact. He says, "I have directed" that the deposits of the money of the United States shall not be made in the bank of the United States. If this assertion is regarded in any other than a mere formal sense, it is not true. The secretary may have been the instrument, the clerk, the automaton, in whose name the order was issued; but the measure was that of the president, by whose authority or command the order was given; and of this we have the highest and most authentic evidence. The president has told the world that the measure was his own, and that he took it upon his own responsibility. And he has exonerated his cabinet from all responsibility about it. The secretary ought to have frankly disclosed all the circumstances of the case, and told the truth, the whole truth, and nothing but the truth. If he had done so, he would have informed Congress, that the removal had been decided by the president on the 18th of September last; that it had been announced to the public on the 20th; and that Mr. Duane remained in office until the 23d. He would have informed Congress, that this important measure was decided before he entered into his new office, and was the cause of his appointment. Yes, sir, the present secretary stood by, a witness to the struggle in the mind of his predecessor, between his attachment to the president and his duty to the country; saw him dismissed from office, because he would not violate his conscientious obligations, and came into his place, to do what he could not, honorably, and would not perform. A son of one of the fathers of democracy, by an administration professing to be democratic, was expelled from office, and his place supplied by a gentleman, who, throughout his whole career, has been uniformly opposed to democracy!—a gentleman who, at another epoch of the republic, when it was threatened with civil war, and a dissolution of the Union, voted (although a resident of a slave State), in the Legislature of Maryland, against the admission of Missouri into the Union without a restriction incompatible with her rights as a member of the confederacy! Mr. Duane was dismissed because the solemn convictions of his duty would not allow him to conform to the president's will; because his logic did not bring his mind to the same conclusions with those of the logic of a venerable old gentleman, inhabiting a white house not distant from the capitol; because his watch (here Mr. Clay held up his own) did not keep time with that of the president. He was dismissed under that detestable system of proscription for opinion's sake, which has finally dared to intrude itself into

the halls of Congress—a system under which three unoffending clerks, the husbands of wives, the fathers of families, dependent on them for support, without the slightest imputation of delinquency, have been recently unceremoniously discharged, and driven out to beggary, by a man, himself the substitute of a meritorious officer, who has not been in this city a period equal to one monthly revolution of the moon! I tell our secretary, (said Mr. Clay, raising his voice) that, if he touch a single hair of the head of any one of the clerks of the Senate (I am sure he is not disposed to do it), on account of his opinions, political or religious, if no other member of the Senate does it, I will instantly submit a resolution for his own dismission.

The secretary ought to have communicated all these things; he ought to have stated that the cabinet was divided two and two, and one of the members equally divided with himself on the question, willing to be put into either scale. He ought to have given a full account of this, the most important act of executive authority since the origin of the government; he should have stated with what unsullied honor his predecessor retired from office, and on what degrading conditions he accepted his vacant place. When a momentous proceeding like this, varying the constitutional distribution of the powers of the legislative and executive departments, was resolved on, the ministers against whose advice it was determined, should have resigned their stations. No ministers of any monarch in Europe, under similar circumstances, would have retained the seals of office. And if, as nobody doubts, there is a cabal behind the curtain, without character and without responsibility, feeding the passions, stimulating the prejudices, and molding the actions of the incumbent of the presidential office, it was an additional reason for their resignations. There is not a *maître d'hotel* in Christendom, who, if the scullions were put into command in the parlor and dining-room, would not scorn to hold his place, and fling it up in disgust with indignant pride!

I shall examine the report before us, first, as to the power of the secretary over the deposits; secondly, his reasons for the exercise of it; and, thirdly, the manner of its exercise.

First. The secretary asserts that the power of removal is exclusively reserved to him; that it is absolute and unconditional, so far as the interests of the bank are concerned; that it is not restricted to any particular contingences; that the reservation of the power to the Secretary of the Treasury exclusively, is a part of the compact; that he may exercise it, if the public convenience or interest would in any degree be promoted; that this exclusive power, thus reserved, is so absolute, that the secretary is not restrained by the considerations that the public deposits in the bank are perfectly safe; that the bank promptly meets all demands upon it; and that it faithfully performs all its duties; and that the power of Congress, on the contrary, is so totally excluded, that it could not, without a breach of the compact, order the deposits to be changed, even if Congress

were satisfied that they were not safe, or should be convinced that the interests of the people of the United States imperiously demanded the removal.

Such is the statement which this unassuming secretary makes of his own authority. He expands his own power to the most extravagant dimensions; and he undertakes to circumscribe that of Congress in the narrowest and most restricted limits! Who would have expected that, after having so confidently maintained for himself such absolute, exclusive, unqualified, and uncontrollable power, he would have let in any body else to share with him its exercise? Yet he says, "as the Secretary of the Treasury presides over one of the executive departments of the government, and his power over this subject forms a part of the executive duties of his office, the manner in which it is exercised must be subject to the supervision of the officer" (meaning the president, whose official name his modesty would not allow him to pronounce) "to whom the Constitution has confided the whole executive power, and has required to take care that the laws be faithfully executed." If the clause in the compact exclusively vests the power of removal in the Secretary of the Treasury, what has the president to do with it? What part of the charter conveys to him any power? If, as the secretary contends, the clause of removal, being part of the compact, restricts its exercise to the secretary, to the entire exclusion of Congress, how does it embrace the president? especially since both the president and secretary conceive, that "the power over the place of deposit for the public money would seem properly to belong to the legislative department of the government?" If the secretary be correct in asserting that the power of removal is confined to the Secretary of the Treasury, then Mr. Duane, while in office, possessed it; and his dismission, because he would not exercise a power which belonged to him exclusively, was itself a violation of the charter.

But by what authority does the secretary assert that the treasury department is one of the executive departments of the government? He has none in the act which creates the department; he has none in the Constitution. The treasury department is placed by law on a different footing from all the other departments, which are, in the acts creating them, denominated executive, and placed under the direction of the president. The treasury department, on the contrary, is organized on totally different principles. Except the appointment of the officers, with the co-operation of the Senate, and the power which is exercised of removing them, the president has neither by the Constitution nor the law creating the department, any thing to do with it. The secretary's reports and responsibility are directly to Congress. The whole scheme of the department is one of checks, each officer acting as a control upon his associates. The secretary is required by the law to report not to the president, but directly to Congress. Either House may require any report from him, or command his personal attendance before it. It is not, therefore, true, that the treasury

is one of the executive departments, subject to the supervision of the president. And the inference drawn from that erroneous assumption entirely fails. The secretary appears to have no precise ideas either of the Constitution or duties of the departments over which he presides. He says:

"The treasury department being intrusted with the administration of the finances of the country, it was always the duty of the secretary, in the absence of any legislative provision on the subject, to take care that the public money was deposited in safe-keeping, in the hand of faithful agents," and so forth.

The premises of the secretary are only partially correct, and the conclusion is directly repugnant to law. It never was the duty of the secretary to take care that the public money was deposited in safe keeping in the hands of faithful agents, and so forth. That duty is expressly, by the act organizing the department, assigned to the treasurer of the United States, who is placed under oath, and under bond, with a large penalty, not to issue a dollar out of the public treasury, but in virtue of warrants granted in pursuance of acts of appropriation, "and not otherwise." When the secretary treats of the power of the president, he puts on corsets and prostrates himself before the executive, in the most graceful, courteous, and lady-like form; but when he treats of that of Congress, and of the treasurer, he swells and expands himself, and flirts about, with all the airs of high authority.

But I can not assent to the secretary's interpretation of his power of removal, contained in the charter. Congress has not given up its control over the treasury, or the public deposits, to either the secretary or the executive. Congress could not have done so without a treacherous renunciation of its constitutional powers, and a faithless abandonment of its duties. And now let us see what is the true state of the matter. Congress has reserved to itself, exclusively, the right to judge of the reasons for removal of the deposits, by requiring the report of them to be made to it; and, consequently, the power to ratify or invalidate the act. The Secretary of the Treasury is the fiscal sentinel of Congress, to whom the bank makes weekly reports, and who is presumed constantly to be well acquainted with its actual condition. He may, consequently, discover the urgent necessity of prompt action, to save the public treasure, before it is known to Congress, and when it is not in session. But he is immediately to report—to whom? To the executive? No, to Congress. For what purpose? That Congress may sanction or disapprove the act.

The power of removal is a reservation for the benefit of the people, not of the bank. It may be waived. Congress, being a legislative party to the compact, did not thereby deprive itself of ordinary powers of legislation. It can not, without a breach of the national faith, repeal privileges or stipulations intended for the benefit of the bank. But it may repeal, modify, or waive the exercise altogether, of those parts of the charter

which were intended exclusively for the public. Could not Congress repeal altogether the clause of removal? Such a repeal would not injure, but add to, the security of the bank. Could not Congress modify the clause, by revoking the agency of the Secretary of the Treasury, and substituting that of the treasurer, or any other officer of government? Could not Congress, at any time during the twenty years' duration of the charter, abolish altogether the office of Secretary of the Treasury, and assign all his present duties to some newly-constituted department? The right and the security of the bank do not consist in the form of the agency, nor in the name of the agent, but in this: that, whatever may be its form or his denomination, the removal shall only be made upon urgent and satisfactory reasons. The power of supplemental legislation was exercised by Congress both under the new and old bank. Three years after the establishment of the existing bank, an act passed, better to regulate the election of directors, and to punish any one who should attempt, by bribes, or presents in any form, to influence the operation of the institution.

The denial of the secretary, to Congress, of the power to remove the deposits, under any circumstances, is most extraordinary. Why, sir, suppose a corrupt collusion between the secretary and the bank to divide the spoils of the treasury? Suppose a total non-fulfillment of all the stipulations on the part of the bank? Is Congress to remain bound and tied, while the bank should be free from all the obligations of the charter? The obligation of one party to observe faithfully his stipulations in a contract, rests upon the corresponding obligation of the other party to observe his stipulations. If one party is released, both are free. If one party fails to comply with his contract, that releases the other. This is the fundamental principle of all contracts, applicable to treaties, charters, and private agreements. If it were a mere private agreement, and one party who had bound himself to deposit, from time to time, his money with the other, to be redrawn at his pleasure, saw that it was wasting and squandered away, he would have a clear right to discontinue the deposits. It is true that a party has no right to excuse himself from the fulfillment of his contract, by imputing a breach to the other which has never been made. And it is fortunate for the peace and justice of society, that neither party to any contract, whether public or private, can decide conclusively the question of fulfillment by the other, but must always act under subjection, for the ultimate decision, in case of controversy, of an impartial arbiter, provided in the judicial tribunals of civilized communities.

As to the absolute, unconditional, and exclusive power which the secretary claims to be vested in himself, it is in direct hostility to the principles of our government, and adverse to the genius of all free institutions. The secretary was made, by the charter, the mere representative or agent of Congress. Its temporary substitute, acting in subordination to it, and bound, whenever he did act, to report to his principal his reasons, that they might be judged of and sanctioned, or overruled. Is it not absurd to say

that the agent can possess more power than the principal? The power of revocation is incident to all agency, unless, in express terms, by the instrument creating it, a different provision is made. The powers, whether of the principal or the agent, in relation to any contract, must be expounded by the principles which govern all contracts. It is true that the language of the clause of removal in the charter is general, but it is not, therefore, to be torn from the context. It is the part only of an entire compact, and is so to be interpreted, in connection with every part and with the whole.

Upon surveying the entire compact, we perceive that the bank has come under various duties to the public; has undertaken to perform important financial operations of the government; and has paid a bonus into the public treasury of a million and a half of dollars. We perceive that in consideration of the assumption of these heavy engagements, and the payment of that large sum of money on the part of the bank, the public has stipulated that the public deposits shall remain with the bank, during the continuation of the charter, and that its notes shall be received by the government, in payment of all debts, dues, and taxes. Except the corporate character conferred, there is none but those two stipulations of any great importance to the bank. Each of the two parties to the compact must stand bound to the performance of his engagements, while the other is honestly and faithfully fulfilling his. It is not to be conceived, in the formation of the compact, that either party could have anticipated that, while he was fairly and honestly executing every obligation which he had contracted, the other party might arbitrarily or capriciously exonerate himself from the discharge of his obligations. Suppose, when citizens of the United States were invited by the government to subscribe to the stock of this bank, that they had been told, that, although the bank performs all its covenants with perfect fidelity, the Secretary of the Treasury may, arbitrarily or capriciously, upon his speculative notions of any degree of public interest or convenience to be advanced, withdraw the public deposits; would they have ever subscribed? Would they have been guilty of the folly of binding themselves to the performance of burdensome duties, while the government was left at liberty to violate at pleasure that stipulation of the compact which was by far the most essential to them?

On this part of the subject, I conclude, that Congress has not parted from, but retains, its legitimate power over the deposits; that it might modify or repeal altogether the clause of removal in the charter; that a breach of material stipulations on the part of the bank would authorize Congress to change the place of the deposits; that a corrupt collusion to defraud the public, between the bank and the Secretary of the Treasury, would be a clear justification to Congress to direct a transfer of the public deposits; that the Secretary of the Treasury is the mere agent of Congress in respect to the deposits, acting in subordination to his principal; that it results from the nature of all agency that it may be revoked, unless other-

wise expressly provided; and, finally, that the principal, and much less the agent, of one party can not justly or lawfully violate the compact, or any of its essential provisions, while the other party is in the progressive and faithful performance of all his engagements.

If I am right in this view of the subject, there is an end of the argument. There was perfect equality and reciprocity between the two parties to the compact. Neither could exonerate himself from the performance of his obligations, while the other was honestly proceeding fairly to fulfil all his engagements. But the Secretary of the Treasury concedes that the public deposits were perfectly safe in the hands of the bank; that the bank promptly met every demand upon it; and that it faithfully performed all its duties. By these concessions, he surrenders the whole argument, admits the complete obligation of the public to perform its part of the compact, and demonstrates that no reasons, however plausible or strong, can justify an open breach of a solemn national compact.

Secondly. But he has brought forward various reasons to palliate or justify his violation of the national faith; and it is now my purpose to proceed, in the second place, to examine and consider them. Before I proceed to do this, I hope to be allowed again to call the attention of the Senate to the nature of the office of Secretary of the Treasury. It is altogether financial and administrative. His duties relate to the finances, their condition and improvement, and to them exclusively. The act creating the treasury department, and defining the duties of the secretary, demonstrates this. He has no legislative powers; and Congress has delegated and could delegate none to him. His powers, wherever given, and in whatever language expressed, must be interpreted by his defined duties. Neither is the treasury department an executive department. It was expressly created not to be an executive department. It is administrative, but not executive. His relations are positive and direct to Congress, by the act of his creation, and not to the president. Whenever he is put under the direction of the president (as he is by various subsequent acts, especially those relating to the public loans), it is done by express provision of law, and for specified purposes.

With this key to the nature of the office, and the duties of the officer, I will now briefly examine the various reasons which he assigns for the removal of the public deposits. The first is, the near approach of the expiration of the charter. But the charter had yet to run about two and a half of the twenty years to which it was limited. During the whole term the public deposits were to continue to be made with the bank. It was clearly foreseen, at the commencement of the term, as now, that it would expire, and yet Congress neither then nor since has ever thought proper to provide for the withdrawal of the deposits prior to the expiration of the charter. Whence does the secretary derive an authority to do what Congress had never done? Whence his power to abridge in effect the period of the charter, and to limit it to seventeen and a half years, instead of twenty?

Was the urgency for the removal of the deposits so great, that he could not wait sixty days, until the assembling of Congress? He admits that they were perfectly safe in the bank; that it promptly met every demand upon it; and that it faithfully performed all its duties. Why not, then, wait the arrival of Congress? The last time the House of Representatives had spoken, among the very last acts of the last session, that House had declared its full confidence in the safety of the deposits. Why not wait until it could review the subject, with all the new light which the secretary could throw upon it, and it again proclaim its opinion? He came into office on the 23d of September, 1833, and in three days, with intuitive celerity, he comprehends the whole of the operations of the complex department of the treasury, perceives that the government, from its origin, had been in uniform error, and denounces the opinions of all his predecessors! And, hastening to rectify universal wrong, in defiance and in contempt of the resolution of the House, he signs an order for the removal of the deposits! It was of no consequence to him, whether places of safety, in substitution of the bank of the United States, could be obtained or not; without making the essential precautionary arrangements, he commands the removal almost instantly to be made.

Why, sir, if the secretary were right in contending that he alone could order the removal, even he admits that Congress has power to provide for the security of the public money, in the new places to which it might be transferred. If he did not deign to consult the representatives of the people as to the propriety of the first step, did not a decent respect to their authority and judgment exact from him a delay, for the brief term of sixty days, that they might consider what was fitting to be done? The truth is, that the secretary, by law, has nothing to do with the care and safe-keeping of the public money. As has been already shown, that duty is specifically assigned by law to the Treasurer of the United States. And, in assuming upon himself the authority to provide other depositories than the bank of the United States, he alike trampled upon the duties of the treasurer, and what was due to Congress. Can any one doubt the motive of this precipitancy? Does any body doubt, that it was to preclude the action of Congress, or to bring it under the influence of the executive veto? Let the two Houses, or either of them, perform their duty to the country, and we shall hereafter see whether, in that respect, at least, Mr. Secretary will not fail to consummate his purpose.

Second. The next reason assigned for this offensive proceeding, is the re-election of the present chief magistrate. The secretary says:

"I have always regarded the result of the last election of president of the United States, as the declaration of a majority of the people, that the charter ought not to be renewed." * * * "Its voluntary application to Congress for the renewal of its charter four years before it expired, and upon the eve of the election of president, was understood on all sides as bringing forward that question for incidental decision at the then approaching election. It was accordingly argued

on both sides before the tribunal of the people, and their verdict pronounced against the bank," and so forth.

What has the secretary to do with elections? Do they belong to the financial concerns of his department? Why this constant reference to the result of the last presidential election? Ought not the president to be content with the triumphant issue of it? Did he want still more vetoes? The winners ought to forbear making any complaints, and be satisfied, whatever the losers may be. After an election is fairly terminated, I have always thought that the best way was to forget all the incidents of the preceding canvass, and especially the manner in which votes had been cast. If one has been successful, that ought to be sufficient for him; if defeated, regrets are unavailing. Our fellow-citizens have a right freely to exercise their elective franchise as they please, and no one, certainly no candidate, has any right to complain about it.

But the argument of the secretary is, that the question of the bank was fully submitted to the people, by the consent of all parties, fully discussed before them, and their verdict pronounced against the institution, in the re-election of the president. His statement of the case requires that we should examine carefully the various messages of the president, to ascertain whether the bank question was fairly and frankly (to use a favorite expression of the president) submitted by him to the people of the United States. In his message of 1829, the president says:

"The charter of the bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I can not, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the people."

The charter had then upward of six years to run. Upon this solemn invitation of the chief magistrate, two years afterward the bank came forward with an application for renewal. Then it was discovered that the application was premature. And the bank was denounced for accepting the very invitation which had been formally given. The president proceeds:

"Both the constitutionality and the expediency of the bank are well questioned by a large portion of our fellow-citizens."

This message was a noncommittal. The president does not announce clearly his own opinion, but states that of a large portion of our fellow-citizens. Now we all know that a large and highly respectable number of the people of the United States have always entertained an opinion adverse to the bank on both grounds. The president continues:

"If such an institution is deemed essential to the fiscal operations of the government, I submit to the wisdom of the Legislature whether a national one

founded upon the credit of the government, and its resources, might not be devised."

Here, again, the president, so far from expressing an explicit opinion against all national banks, makes a hypothetical admission of the utility of a bank, and distinctly intimates the practicability of devising one on the basis of the credit and resources of the government.

In his message of 1830, speaking of the bank, the president says:

"Nothing has occurred to lessen, in any degree, the dangers which many of our citizens apprehend from that institution, as at present organized. In the spirit of improvement and compromise, which distinguishes our country and its institutions, it becomes us to inquire whether it be not possible to secure the advantages afforded by the present bank through the agency of a bank of the United States, so modified in its principles and structure, as to obviate constitutional and other objections."

Here, again, the president recites the apprehensions of "many of our citizens," rather than avows his own opinion. He admits, indeed, "the advantages afforded by the present bank," but suggests an inquiry whether it be possible (of course doubting) to secure them by a bank differently constructed. And toward the conclusion of that part of the message, his language fully justifies the implication, that it was not to the bank itself but to "its present form," that he objected.

The message of 1831, when treating of the bank, was very brief. The president says:

"Entertaining the opinions heretofore expressed in relation to the bank of the United States, as at present organized" (noncommittal once more; and what that means, Mr. President, nobody better knows than you and I), "I felt it my duty, in my former messages, frankly to disclose them."

Frank disclosures! Now, sir, I recollect perfectly well the impressions made on my mind, and on those of other senators with whom I conversed, immediately after the message was read. We thought and said to each other, The president has left a door open to pass out. It is not the bank; it is not any bank of the United States to which he is opposed, but it is to the particular organization of the existing bank. And we all concluded that, if amendments could be made to the charter satisfactory to the president, he would approve a bill for its renewal.

We come now to the famous message of July, 1832, negativing the bill to re-charter the bank. Here, it may be expected, we shall certainly find clear opinions, unequivocally expressed. The president can not elude the question. He must now be perfectly frank. We shall presently see. He says:

"A bank of the United States is, in many respects, convenient to the government, and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing

bank, are unauthorized by the Constitution," and so forth. * * * "I felt it my duty, at an early period of my administration, to call the attention of Congress to the practicability of organizing an institution, combining all its advantages, and obviating these objections. I sincerely regret, that in the act before me I can perceive none of those modifications," and so forth. * * * "That a bank of the United States, competent to all the duties which may be required by the government, might be so organized as not to infringe on our own delegated powers, or the reserved right of the States, I do not entertain a doubt. Had the executive been called on to furnish the project of such an institution, the duty would have been cheerfully performed."

The message is principally employed in discussing the objections which the president entertained to the particular provisions of the charter, and not to the bank itself; such as the right of foreigners to hold stock in it; its exemption from State taxation; its capacity to hold real estate, and so forth, and so forth. Does the president, even in this message, array himself in opposition to any bank of the United States? Does he even oppose himself to the existing bank under every organization of which it is susceptible? On the contrary, does he not declare that he does not entertain a doubt that a bank may be constitutionally organized? Does he not even rebuke Congress for not calling on him to furnish a project of a bank, which he would have cheerfully supplied? Is it not fairly deducible, from the message, that the charter of the present bank might have been so amended as to have secured the president's approbation to the institution? So far was the message from being decisive against all banks of the United States, or against the existing bank, under any modification, that the president expressly declares that the question was adjourned. He says:

"A general discussion will now take place, eliciting new light, and settling important principles; and a new Congress, elected in the midst of such discussion, and furnishing an equal representation of the people, according to the last census, will bear to the capitol the verdict of public opinion, and I doubt not bring this important question to a satisfactory result."

This review of the various messages of the president, conclusively evinces that they were far from expressing, frankly and decisively, any opinions of the chief magistrate, except that he was opposed to the amendments of the charter contained in the bill submitted to him for its renewal, and that he required further amendments. It demonstrates that he entertained no doubt that it was practicable and desirable to establish a bank of the United States; it justified the hope that he might be ultimately reconciled to the continuation of the present bank, with suitable modifications; and it expressly proclaimed that the whole subject was adjourned to the new Congress, to be assembled under the last census. If the parts of the messages which I have cited, or other expressions, in the same document, be doubtful, or susceptible of a different interpretation, the review is sufficient for my purpose; which is, to refute the argument, so confidently advanced, that the president's opinion, in opposition to the present or any other bank

of the United States, was frankly and fairly stated to the people, prior to the late election, was fully understood and finally decided by them.

Accordingly in the canvass which ensued, it was boldly asserted by the partisans of the president, that he was not opposed to a bank of the United States, nor to the existing bank with proper amendments. They maintained, at least, wherever those friendly to a national bank were in the majority, that the re-election would be followed by a re-charter of the bank, with proper amendments. They dwelt, it is true, with great earnestness, upon his objections to the pernicious influence of foreigners in holding stock in it; but they nevertheless contended that these objections would be cured, if he were re-elected, and the bank sustained. I appeal to the whole Senate, to my colleagues, to the people of Kentucky, and especially to the citizens of the city of Louisville, for the correctness of this statement.

After all this, was it anticipated by the people of the United States that, in the re-election of the president, they were deciding against an institution of such vital importance? Could they have imagined that, after an express adjournment of the whole matter to a new Congress, by the president himself, he would have prejudged the action of this new Congress, and pronounced that a question, expressly by himself referred to its authority, was previously settled by the people? He claimed no such result in his message, immediately after the re-election; although in it he denounced the bank as an unsafe repository of the public money, and invited Congress to investigate its condition. The president, then, and the Secretary of the Treasury, are without all color of justification for their assertions, that the question of bank or no bank was fully and fairly submitted to the people, and a decision pronounced against it by them.

Sir, I am surprised and alarmed at the new source of executive power, which is found in the result of a presidential election. I had supposed that the Constitution and the laws were the sole source of executive authority; that the Constitution could only be amended in the mode which it has itself prescribed; that the issue of a presidential election, was merely to place the chief magistrate in the post assigned to him; and that he had neither more nor less power, in consequence of the election, than the Constitution defines and delegates. But it seems that if, prior to an election, certain opinions, no matter how ambiguously put forth by a candidate, are known to the people, these loose opinions, in virtue of the election, incorporate themselves with the Constitution, and afterward are to be regarded and expounded as parts of the instrument.

Third. The public money ought not, the secretary thinks, to remain in the bank until the last moment of the existence of the charter. But that was not the question which he had to decide on the 26th of September last. The real question then was, could he not wait sixty days for the meeting of Congress? There were many last moments, nearly two years and a half, between the 26th of September and the day of the expiration

of the charter. But why not let the public money remain in the bank until the last day of the charter? It is a part of the charter, that it shall so remain; and Congress having so ordered it, the secretary ought to have acquiesced in the will of Congress, unless the exigency had arisen on which alone it was supposed his power over the deposits would be exercised. The secretary is greatly mistaken in believing that the bank will be less secure in the last hours of its existence than previously. It will then be collecting its resources, with a view to the immediate payment of its notes, and the ultimate division among the stockholders of their capital; and at no period of its existence will it be so strong and able to pay all demands upon it. As to the depreciation in the value of its notes in the interior, at that time, why, sir, is the secretary possessed of the least knowledge of the course of the trade of the interior, and especially of the western States? If he had any, he could not have made such a suggestion. When the bank itself is not drawing, its notes form the best medium of remittance from the interior to the Atlantic capitals. They are sought after by merchants and traders with avidity, are never below par, and in the absence of bank drafts may command a premium. This will continue to be the case as long as the charter endures, and especially during the last moment of existence, when its ability will be unquestionable, Philadelphia being the place of the redemption; while the notes themselves will be received in all the large cities in payment of duties.

Fourth. The secretary asserts, that "it is well understood that the superior credit heretofore enjoyed by the notes of the bank of the United States, was not founded on any particular confidence in its management or solidity. It was occasioned altogether by the agreement on behalf of the public, in the act of incorporation, to receive them in all payments to the United States." I have rarely seen any State paper characterized by so little gravity, dignity, and circumspection, as the report displays. The secretary is perfectly reckless in his assertions of matter of fact, and culpably loose in his reasoning. Can he believe the assertion which he has made? Can he believe, for example, that if the notes of the bank of the Metropolis were made receivable in all payments to the government, they would ever acquire, at home and abroad, the credit and confidence which are attached to those of the bank of the United States? If he had stated that the faculty mentioned, was one of the elements of the great credit of those notes, the statement would have been true; but who can agree with him, that it is the sole cause? The credit of the bank of the United States results from the large amount of its capital; from the great ability and integrity with which it has been administered; from the participation of the government in its affairs; from its advantageous location; from its being the place of deposit of the public moneys, and its notes being receivable in all payments to the government; and from its being emphatically the bank of the United States. This latter circumstance arranges it with the bank of England, France, Amsterdam, Genoa, and so forth.

Fifth. The expansion and contraction of the accommodations of the bank to its individual customers, are held up by the secretary in bold relief, as evidences of misconduct, which justified his withdrawal of the deposits. He represents the bank as endeavoring to operate on the public, by alternate bribery and oppression, with the same object in both cases, of influencing the election, or the administration of the president. Why this perpetual reference of all the operations of the institution to the executive? Why does the executive think of nothing but itself? It is I! It is I! It is I, that is meant! appears to be the constant exclamation. Christianity and charity enjoin us never to ascribe a bad motive if we can suppose a good one. The bank is a moneyed corporation, whose profits result from its business; if that be extensvie, it makes better; if limited, less profit. Its interest is to make the greatest amount of dividends which it can safely. And all its actions may be more certainly ascribed to that than any other principle. The administration must have a poor opinion of the virtue and intelligence of the people of the United States, if it supposes that their judgments are to be warped, and their opinions controlled by any scale of graduated bank accommodations. The bank must have a still poorer conception of its duty to the stockholder, if it were to regulate its issues by the uncertain and speculative standard of political effect, rather than a positive arithmetical rule for the computation of interest.

As to the alleged extension of the business of the bank, it has been again and again satisfactorily accounted for by the payment of the public debt, and the withdrawal from Europe of considerable sums, which threw into its vaults, a large amount of funds, which, to be productive, must be employed; and, as the commercial wants proceeding from extraordinary activity of business, created great demands about the same period for bank accommodations, the institution naturally enlarged its transactions. It would have been treacherous to the best interests of its constituents if it had not done so. The recent contraction of its business is the result of an obvious cause. Notwithstanding the confidence in it, manifested by one of the last acts of the last House of Representatives, Congress had scarcely left the District before measures were put in operation to circumvent its authority. Denunciations and threats were put forth against it. Rumors, stamped with but too much authority, were circulated, of the intention of the executive to disregard the admonition of the House of Representatives. An agent was sent out—and then such an agent—to sound the local institutions as to the terms on which they would receive the deposits. Was the bank, who could not be ignorant of all this, to sit carelessly by, without taking any precautionary measures? The prudent mariner, when he sees the coming storm, furls his sails, and prepares for all its rage. The bank knew that the executive was in open hostility to it, and that it had nothing to expect from its forbearance. It had numerous points to defend, the strength or weakness of all of which was well known from its weekly returns to the secretary, and it could not possibly know at which the first

mortal stroke would be aimed. If, on the 20th of September last, instead of the manifesto of the president against the bank, he had officially announced, that he did not mean to make war upon the bank, and intended to allow the public deposits to remain until the pleasure of Congress was expressed, public confidence would have been assured and unshaken, the business of the country continued in quiet and prosperity, and the numerous bankruptcies in our commercial cities averted. The wisdom of human actions is better known in their results than at their inception. That of the bank is manifest from all that has happened, and especially from its actual condition of perfect security.

Sixth. The secretary complains of misconduct of the bank in delegating to the committee of exchange the transaction of important business, and in that committee's being appointed by the president and not the board, by which the government directors have been excluded. The directors who compose the board meet only periodically. Deriving no compensation from their places, which the charter, indeed, prohibits them from receiving, it can not be expected that they should be constantly in session. They must, necessarily, therefore, devolve a great part of the business of the bank in its details, upon the officers and servants of the corporation. It is sufficient, if the board controls, governs, and directs the whole machine. The most important operation of a bank, is that of paying out its cash, and that the cashier or teller and not the board performs. As to committees of exchange, the board not being always in session, it is evident that the convenience of the public requires that there should be some authority at the bank daily, to pass daily upon bills, either in the sale or purchase, as the wants of the community require. Every bank, I believe, that does business to any extent, has a committee of exchange, similar to that of the bank of the United States. In regard to the mode of appointment by the president of the board, it is in conformity with the invariable usage of the House of Representatives, with the practice of the Senate for several years, and, until altered at the commencement of this session, with the usage, in a great variety, if not all of the State Legislatures, and with that which prevails in our popular assemblies. The president, speaker, chairman, moderator, almost uniformly appoints committees. That none of the government directors have been on the committee of exchange, has proceeded, it is to be presumed, from their not being entitled, from their skill and experience, and standing in society, to be put there. The government directors stand upon the same equal footing with those appointed by the stockholders. When appointed, they are thrown into the mass, and must take their fair chances with their colleagues. If the President of the United States will nominate men of high character and credit, of known experience and knowledge in business, they will, no doubt, be placed in corresponding stations. If he appoints different men, he can not expect it. Banks are exactly the places where currency and value are well understood and duly estimated. A piece of coin,

having even the stamp of the government, will not pass, unless the metal is pure.

Seventh. The French bill formed another topic of great complaint with the secretary. The state of the case is, that the government sold to the bank a bill on that of France for nine hundred thousand dollars, which the bank sold in London, whence it was sent by the purchaser to Paris to receive the amount. When the bank purchased the bill, it paid the amount to the government, or, which is the same thing, passed it to the credit of the treasury, to be used on demand. The bill was protested in Paris, and the agents of the bank, to avoid its being liable to damages, took up the bill on account of the bank. The bill being dishonored, the bank comes back on the drawer, and demands the customary damages due according to the course of all such transactions. The complaint of the secretary is, that the bank took up the bill to save its own credit, and that it did not do it on account of the government; in other words, that the bank did not advance at Paris nine hundred thousand dollars to the government on account of a bill which it had already paid, every dollar, at Philadelphia. Why, sir, has the secretary read the charter? If he has, he must have known that the bank could not have advanced the nine hundred thousand dollars for the government at Paris, without subjecting itself to a penalty of three times the amouut (two million and seven hundred thousand dollars). The thirteenth section of the charter is express and positive:

"That if the said corporation shall advance or lend any sum of money for the use or on account of the government of the United States, to an amount exceeding five hundred thousand dollars, all persons concerned in making such unlawful advances or loan, shall forfeit treble the amount, one fifth to the informer," and so forth.

Eighth. The last reason which I shall notice of the secretary is, that this ambitious corporation aspires to possess political power. Those in the actual possession of power, especially when they have grossly abused it, are perpetually dreading its loss. The miser does not cling to his treasure with a more death-like grasp. Their suspicions are always active and on the alert. In every form they behold a rival, and every breeze comes charged with alarm and dread. A thousand specters glide before their affrighted imaginations, and they see, in every attempt to enlighten those who have placed them in office, a sinister design to snatch from them their authority. On what other principles can we account for the extravagant charges brought forward by the secretary against the bank? More groundless and reckless assertions than those which he has allowed himself to embody in his report, never were presented to a deceived, insulted, and outraged people. Suffer me, sir, to group some of them. He asserts, "that there is sufficient evidence to prove that the bank has used its means to obtain politicalpower;" that, in the presidential election, "the bank took

an open and direct interest, demonstrating that it was using its money for the purpose of obtaining a hold upon the people of this country;" that it "entered the political arena;" that it circulated publications containing "attacks on the officers of government;" that "it is now openly in the field as a political partisan;" that there are "positive proofs" of the efforts of the bank to obtain power. And, finally, he concludes, as a demonstrated proposition:

"Fourthly, that there is sufficient evidence to show that the bank has been and still is seeking to obtain political power, and has used its money for the purpose of influencing the election of the public servants."

After all this, who can doubt that this ambitious corporation is a candidate for the next presidency? Or, if it can moderate its lofty pretensions, that it means at least to go for the office of Secretary of the Treasury, upon the next removal? But, sir, where are the proofs of these political designs? Can any thing be more reckless than these confident assertions of the secretary? Let us have the proofs; I call for the proofs. The bank has been the constant object, for years, of vituperation and calumny. It has been assailed in every form of bitterness and malignity. Its operations have been misrepresented; attempts have been made to destroy its credit, and the public confidence in its integrity and solidity; and the character of its officers has been assailed. Under these circumstances, it has dared to defend itself. It has circulated public documents, speeches of members of Congress, reports made by chairmen of committees, friends of the administration, and other papers. And, as it was necessary to make the defense commensurate with the duration and the extensive theater of the attack, it has been compelled to incur a heavy expense to save itself from threatened destruction. It has openly avowed, and yet avows, its right and purpose to defend itself. All this was known to the last Congress. Not a solitary material fact has been since disclosed. And when before, in a country where the press is free, was it deemed criminal for any body to defend itself? Who invested the Secretary of the Treasury with power to interpose himself between the people, and light, and intelligence? Who gave him the right to dictate what information should be communicated to the people and by whom? Whence does he derive his jurisdiction? Who made him censor of the public press? From what new sedition law does he deduce his authority? Is the superintendence of the American press a part of the financial duty of a Secretary of the Treasury? Why did he not lay the whole case before Congress, and invite the revival of the old sedition law? Why anticipate the arrival of their session? Why usurp the authority of the only department of government competent to apply a remedy, if there be any power to abridge the freedom of the press? If the secretary wishes to purify the press, he has a most herculean duty before him. And when he sallies out on his quixotic expedition, he had better begin with the Augean stable, the press nearest to him, his organ, as most needing purification.

I have done with the secretary's reasons. They have been weighed and found wanting. There was not only no financial motive for his acting—the sole motive which he could officially entertain—but every financial consideration forbade him to act. I proceed now, in the third and last place, to examine the manner in which he has exercised his power over the deposits.

Thirdly. The whole people of the United States derive an interest from the public deposits in the bank of the United States, as a stockholder, in that institution. The bank is enabled, through its branches, to throw capital into those parts of the Union where it is most needed. Thus it distributes and equalizes the advantages accruing from the collection of a large public revenue, and the consequent public deposits. Thus it neutralizes the injustice which would otherwise flow from the people of the West and the interior's paying their full proportion of the public burdens, without deriving any corresponding benefit from the circulation and deposits of the public revenue. The use of the capital of the bank has been signally beneficial to the West. We there want capital, domestic, foreign—any capital that we can honestly get. We want it to stimulate enterprise, to give activity to business, and to develop the vast resources which the bounty of nature has concentrated in that region. But, by the secretary's financial arrangements, the twenty-five or thirty millions of the public revenue collected from all the people of the United States (including those of the West), will be retained in a few Atlantic ports. Each port will engross the public moneys there collected. And, as that of New York collects about one half of the public revenue, all the people of the United States will be laid under contribution, not for the sake of the people of the city of New York, but of two or three banks in that city, in which the people of the United States, collectively, have not a particle of interest; banks, the stock in which is or may be held by foreigners.

Three months have elapsed, and the secretary has not yet found places of deposit for the public moneys, as substitutes for the bank of the United States. He tells us, in his report of yesterday, that the bank at Charleston to which he applied for their reception, declined the custody, and that he has yet found no other bank willing to assume it. But he states that the public interest does not in consequence suffer. No! What is done with the public moneys constantly receiving in the important port of Charleston, the largest port (New Orleans excepted), from the Potomac to the Gulf of Mexico? What with the revenue bonds? It appears that he has not yet received the charters from all the banks selected as places of deposit. Can any thing be more improvident than that the secretary should undertake to contract with banks, without knowing their power and capacity to contract by their charters? That he should venture to deposit the people's money in banks, without a full knowledge of every thing respecting their actual condition? But he has found some banks willing to receive the public deposits, and he has entered into contracts with them.

And the very first step he has taken, has been in direct violation of an express and positive statute of the United States. By the act of the first of May, 1820, section sixth, it is enacted:

"That no contract shall hereafter be made by the Secretary of State, or of the Treasury, or of the Department of War, or of the Navy, except under a law authorizing the same, or under an appropriation adequate to its fulfilment; and excepting, also, contracts for the subsistence and clothing of the army or navy, and contracts by the quarter-master's department, may be made by the secretaries of those departments."

Now, sir, what law authorized these contracts with the local banks, made by the Secretary of the Treasury? The argument, if I understand the argument intended to be employed on the other side, is this: that by the bank charter, the secretary, is authorized to remove the public deposits, and that includes the power in question. But the act establishing the treasury department confides, expressly, the safe keeping of the public moneys of the United States, to the Treasurer of the United States, and not to the secretary; and the treasurer, not the secretary, gives a bond for the fidelity with which he shall keep them. The moment, therefore, that they are withdrawn from the bank of the United States, they are placed, by law, under the charge and responsibility of the treasurer and his bond, and not of the secretary, who has given no bond. But let us trace this argument a little further. The power to remove the deposits, says the secretary, from a given place, implies the power to designate the place to which they shall be removed. And this implied power to designate the place to which they shall be removed, implies the power to the Secretary of the Treasury to contract with the new banks of deposit. And, on this third link, in the chain of implications, a fourth is constructed, to dispense with the express duties of the Treasurer of the United States, defined in a positive statute; and yet a fifth, to repeal a positive statute of Congress, passed four years after the passage of the law containing the present source of this most extraordinary chain of implications. The exceptions in the act of 1820, prove the inflexibility of the rule which it prescribes. Annual appropriations are made for the clothing and subsistence of the army and navy. These appropriations might have been supposed to be included in a power to contract for those articles, notwithstanding the prohibitory clause in that act. But Congress thought otherwise, and therefore expressly provided for the exceptions. It must be admitted that our clerk (as the late Governor Robinson, of Louisiana, one of the purest republicans I have ever known, used to call a Secretary of the Treasury), tramples with very little ceremony upon the duties of the treasurer, and the acts of the Congress of the United States, when they come in his way.

These contracts, therefore, between the Secretary of the Treasury and the local banks are mere nullities, and absolutely void, enforceable in no court of justice whatever, for two causes; first, because they are made in

violation of the act of the 1st of May, 1820; and, secondly, because the treasurer, and not the Secretary of the Treasury, alone had, if any federal officer possessed the power to contract with the local banks. And here, again, we perceive the necessity there was for avoiding the precipitancy with which the executive acted, and for awaiting the meeting of Congress. Congress could have deliberately reviewed the previous legislation, decided upon the expediency of a transfer of the public deposits, and, if deemed proper, could have passed the new laws adapted to the new condition of the treasury. It could have decided whether the local banks should pay any bonus, or pay any interest, or diffuse the public deposits throughout the United States, so as to secure among all their parts, equality of benefits as well as of burdens, and provided for ample guaranties for the safety of the public moneys in their new depositories.

But let us now inquire, whether the Secretary of the Treasury has exercised his usurped authority, in the formation of these contracts, with prudence and discretion. Having substituted himself to Congress and to the Treasurer of the United States, he ought at least to show that, in the stipulations of the contracts themselves, he has guarded the public moneys and provided for the public interests. I will examine the contract with the Girard bank of Philadelphia, which is presented as a specimen of the contracts with the Atlantic banks. The first stipulation limits the duty of the local banks to receive in deposit, on account of the United States, only the notes of banks convertible into coin, "in its immediate vicinity," or which it is, "for the time being, in the habit of receiving." Under this stipulation, the Girard bank, for example, will not be bound to receive the notes of the Louisville bank, although that also be one of the deposit banks, nor the notes of any other bank, not in its immediate vicinity. As to the provision that it will receive the notes of banks which, for the time being, it is in the habit of receiving, it is absurd to put such a stipulation in a contract, because by the power retained to change the habit, for the time being, it is an absolute nullity. Now, sir, how does this compare with the charter and bank of the United States? The bank receives everywhere, and credits the government with the notes, whether issued by the branches or the principal bank. The amount of all these notes is everywhere available to the government. But the government may be overflowing in distant bank notes when they are not wanted, and a bankrupt, at the places of expenditure, under this singular arrangement.

With respect to the transfer of moneys from place to place, the local banks require, in this contract, that it shall not take place but upon reasonable notice. And what reasonable is, has been left totally undefined, and of course open to future contest. When hereafter a transfer is ordered, and the bank is unable to make it, there is nothing to do but to allege the unreasonableness of the notice. The local bank agrees to render to the government all the services now performed by the bank of the United States, subject, however, to the restriction that they are required "in the

vicinity" of the local bank. But the bank of the United States is under no such restrictions; its services are co-extensive with the United States and their territories.

The local banks agree to submit their books and accounts to the Secretary of the Treasury, or to any agent to be appointed by him, but to be paid by the local banks *pro rata*, as far as such examination is admissible without a violation of their respective charters; and how far that may be, the secretary can not tell, because he has not yet seen all the charters. He is, however, to appoint the agents of examination, and to fix the salaries which the local banks are to pay. And where does the secretary find the authority to create officers and fix their salaries, without the authority of Congress?

But the most improvident, unprecedented, and extraordinory provision in the contract, is that which relates to the secruity. When, and not until the deposits in the local bank shall exceed one half of the capital stock annually paid in, collateral security, satisfactory to the Sectretary of the Treasury, is to be given for the safety of the deposits. Why, sir, a freshman, a schoolboy, would not have thus dealt with his father's guardian's money. Instead of the security preceding, it is to follow the deposit of the people's money! That is, the local bank gets an amount of their money, equal to one half its capital, and then it condescends to give security! Does not the secretary know, that when he goes for the security, the money may be gone, and that he may be entirely unable to get the one or the other! We have a law, if I mistake not, which forbids the advance of any public money, even to a disbursing agent of the government, without previous security. Yet, in violation of the spirit of that law, or, at least, of all common sense and common prudence, the secretary disperses upward of twenty-five millions of public revenue among a countless number of unknown banks, and stipulates that, when the amount of the deposit exceeds one half of their respective capitals, security is to be given!

The best stipulation in the whole contract, is the last, which reserves to the Secretary of the Treasury the power of discharging these local banks from the service of the United States whenever he pleases; and the sooner he exercises it, and restores the public deposits to the place of acknowledged safety, from which they have been rashly taken, the better for all parties concerned.

Let us look into the condition of one of these local banks, the nearest to us, and that with respect to which we have the best information. The banks of this District (and among them that of the Metropolis) are required to make annual reports of their condition on the 1st day of January. The latest official return from the Metropolis bank is of the 1st January, 1832. Why it did not make one on the 1st of last January, along with the other banks, I know not. In point of fact, I am informed, it made none. Here is its account of January, 1832, and I think you will agree that it is a Flemish one. On the debit side stand capital paid in, five hundred thousand dollars. Due to the banks, twenty thousand nine hundred and eleven

dollars and ten cents; individuals on deposit, seventy-four thousand nine hundred and seventy-seven dollars and forty-two cents; dividend and expenses, seventeen thousand five hundred and ninety-one dollars and seventy-seven cents; and surplus, eight thousand one hundred and thirty-one dollars and two cents; making an aggregate of six hundred and eighty-four thousand four hundred and ninety-six dollars and thirty-one cents. On the credit side, there are bills and notes discounted, and stock (what sort?) bearing interest, six hundred and twenty-six thousand and eleven dollars and ninety cents; real estate, eighteen thousand four hundred and four dollars and eighty-six cents; notes on other banks on hand, and checks on the same, twenty-three thousand two hundred and thirteen dollars and eighty cents; specie—now, Mr. President, how much do you imagine? Recollect, that this is the bank selected at the seat of government, where there is necessarily concentrated a vast amount of public money, employed in the expenditure of the government. Recollect that, by another executive edict, all public officers, charged with the disbursement of the public money here, are required to make their deposits with this Metropolis; and how much specie do you suppose it had at the date of its last official return? ten thousand nine hundred and seventy-four dollars and seventy-six cents: due from other banks, five thousand eight hundred and ninety dollars and ninety-nine cents; making an aggregate on the credit side, six hundred and eighty-four thousand four hundred and ninety-six dollars and thirty-one cents. Upon looking into the items, and casting them up, you will find that this Metropolis bank, on the 1st day of January, 1832, was liable to an immediate call for one hundred and seventy-six thousand three hundred and thirty-five dollars and twenty-nine cents, and that the amount which it had on hand, ready to meet that call, was forty thousand and seventy-nine dollars and fifty-five cents. And this is one of the banks selected at the seat of the general government, for the deposit of the public moneys of the United States! A bank with a capital of thirty millions of dollars, and upward of ten millions of specie on hand has been put aside, and a bank with a capital of half a million, and a little more than ten thousand dollars in specie on hand, has been substituted in its place! How that half million has been raised, whether in part or in the whole, by the neutralizing operation of giving stock notes in exchange for certificates of stock, does not appear.

The design of the whole scheme of this treasury arrangement seems to have been, to have united in one common league a number of local banks, dispersed throughout the Union, and subject to one central will, with a right of scrutiny instituted by the agents of that will. It is a bad imitation of the New York project of a safety-fund. This confederation of banks will probably be combined in sympathy as well as interest, and will be always ready to fly to the succor of the source of their nourishment. As to their supplying a common currency, in place of that of the bank of the United States, the plan is totally destitute of the essential requisite. They

are not required to credit each other's paper, unless it be issued in the "immediate vicinity."

We have seen what is in this contract. Now let us see what is not there. It contains no stipulation for the preservation of the public morals; none for the freedom of elections; none for the purity of the press. All these great interests, after all that has been said against the bank of the United States, are left to shift and take care of themselves as they can. We have already seen the president of a bank in a neighboring city rushing impetuously to the defense of the Secretary of the Treasury against an editorial article in a newspaper, although the "venom of the shaft was quite equal to the vigor of the bow." Was he rebuked by the Secretary of the Treasury? Was the bank discharged from the public service? Or, are morals, the press, the elections, in no danger of contamination, when a host of banks become literary champions on the side of power and the officers of government? Is the patriotism of the secretary only alarmed when the infallibility of high authority is questioned? Will the States silently acquiesce, and see the federal authority insinuating itself into banks of their creation, and subject to their exclusive control?

We have, Mr. President, a most wonderful financier at the head of our Treasury Department. He sits quietly by in the cabinet, and witnesses the contest between his colleague and the president; sees the conflict in the mind of that colleague between his personal attachment to the president on the one hand, and his solemn duty to the public on the other; beholds the triumph of conscientious obligation; contemplates the noble spectacle of an honest man preferring to surrender an exalted office with all its honors and emoluments, rather than betray the interests of the people; witnesses the contemptuous and insulting expulsion of that colleague from office; and then coolly enters the vacated place, without the slightest sympathy or the smallest emotion. He was installed on the 23d of September, and by the 26th, the brief period of three days, he discovers that the government of the United States had been wrong from its origin; that every one of his predecessors from Hamilton down, including Gallatin (who, whatever I said of him on a former occasion, and that I do not mean to retract, possessed more practical knowledge of currency, banks, and finance, than any man I have ever met in the public councils). Dallas, and Crawford, had been mistaken about both the expediency and constitutionality of the bank; that every chief magistrate, prior to him whose patronage he enjoyed, had been wrong; that the Supreme Court of the United States, and the people of the United States, during the thirty-seven years that they had acquiesced in or recognized the utter utility of a bank, were all wrong. And, opposing his single opinion to their united judgments, he dismisses the bank, scatters the public money, and undertakes to regulate and purify the public morals, the public press, and popular elections!

If we examine the operations of this modern Turgot, in their financial bearing, merely, we shall find still less for approbation.

First. He withdraws the public moneys, where, by his own deliberate admission, they were perfectly safe, with a bank of thirty-five millions of capital, and ten millions of specie, and places them at great hazard with banks of comparatively small capital, and but little specie, of which the Metropolis bank is an example.

Second. He withdraws them from a bank created by, and over which the federal government had ample control, and puts them in other banks, created by different governments, and over which it has no control.

Third. He withdraws them from a bank in which the American people, as a stockholder, were drawing their fair proportion of interest accruing on loans, of which those deposits formed the basis, and puts them where the people of the United States draw no interest.

Fourth. From a bank which has paid a bonus of a million and a half, which the people of the United States may be now liable to refund, and puts them in banks which have paid to the American people no bonus.

Fifth. Depreciates the value of stock in a bank, where the general government holds seven millions, and advances that of banks in whose stock it does not hold a dollar; and whose aggregate capital does not probably much exceed that very seven millions. And, finally,

Sixth. He dismisses a bank whose paper circulates in the greatest credit throughout the Union and in foreign countries, and engages in the public service banks whose paper has but a limited and local circulation in their "immediate vicinities."

These are immediate and inevitable results. How much that large and long-standing item of unavailable funds, annually reported to Congress, will be swelled and extended, remains to be developed by time.

And now, Mr. President, what, under all these circumstances, is it our duty to do? Is there a senator who can hesitate to affirm, in the language of the resolution, that the president has assumed a dangerous power over the treasury of the United States, not granted to him by the Constitution and the laws; and that the reasons assigned for the act, by the Secretary of the Treasury, are insufficient and unsatisfactory?

The eyes and the hopes of the American people are anxiously turned to Congress. They feel that they have been deceived and insulted; their confidence abused; their interests betrayed; and their liberties in danger. They see a rapid and alarming concentration of all power in one man's hands. They see that, by the exercise of the positive authority of the executive, and his negative power exerted over Congress, the will of one man alone prevails, and governs the republic. The question is no longer what laws will Congress pass, but what will the executive not veto? The president, and not Congress, is addressed for legislative action. We have seen a corporation, charged with the execution of a great national work, dismiss an experienced, faithful, and zealous president, afterward testify to his ability by a voluntary resolution, and reward his extraordinary services by a large gratuity, and appoint in his place an executive favorite, totally inexperienced

and incompetent, to propitiate the president. We behold the usual incidents of approaching tyranny. The land is filled with spies and informers; and detraction and denunciation are the orders of the day. People, especially official incumbents in this place, no longer dare speak in the fearless tones of manly freedom, but in the cautious whispers of trembling slaves. The premonitory symptoms of despotism are upon us; and if Congress do not apply an instantaneous and effective remedy, the fatal collapse will soon come on, and we shall die—ignobly die! base, mean, and abject slaves—the scorn and contempt of mankind—unpitied, unwept, unmourned!

ON THE GENERAL DISTRESS CAUSED BY THE REMOVAL OF THE DEPOSITS.

IN SENATE, MARCH 7, 1834.

[THE commercial distress of the country occasioned by the removal of the public deposits from the Bank of the United States, followed quickly on the heels of that transaction, as Mr. Clay had predicted. The following brief speech was made on the occasion of presenting a petition from citizens of Philadelphia for relief, and it is chiefly remarkable for the earnest appeal which Mr. Clay makes to those members of the Senate and others, who were political and personal friends of General Jackson, to use their influence with the president to induce him to relieve the general distress, which it was within his power to do. The principal appeal was to Mr. Van Buren, the vice-president, who was *ex officio* president of the Senate. Mr. Clay was so earnest in his address to Mr. Van Buren, that, without being conscious of the movement, he left his seat on the outer circle, walked down the aisle, still speaking and gesticulating, till he stood on the lowest level, with the whole Senate behind him, and so near the vice-president's desk as to be able to lay his hand upon it—still continuing his entreaties. He might well say, as he did at the close of this appeal: "If I have *deviated from the beaten track* of debate, my apology must be found in the anxious solicitude I feel for the condition of the country." And yet he did not know that he was down on the floor in front of the vice-president's chair.]

I HAVE been requested by the committee from Philadelphia, charged with presenting the memorial to Congress, to say a few words on the subject; and although, after the ample and very satisfactory exposition which it has received from the senator from Massachusetts, further observations are entirely unnecessary, I can not deny myself the gratification of complying with a request, proceeding from a source so highly worthy of respectful consideration.

And what is the remedy to be provided for this most unhappy state of the country? I have conversed freely with the members of the Philadel-

phia committee. They are real, practical, working men; intelligent, well acquainted with the general condition, and with the sufferings of their particular community. No one, who has not a heart of steel, can listen to them, without feeling the deepest sympathy for the privations and sufferings unnecessarily brought upon the laboring classes. Both the committee and the memorial declare that their reliance is, exclusively, on the legislative branch of the government. Mr. President, it is with subdued feelings of the profoundest humility and mortification, that I am compelled to say, that, constituted as Congress now is, no relief will be afforded by it, unless its members shall be enlightened and instructed by the people themselves. A large portion of the body, whatever may be their private judgment upon the course of the president, believe it to be their duty, at all events safest for themselves, to sustain him, without regard to the consequences of his measures upon the public interests. And nothing but clear, decided, and unequivocal demonstrations of the popular disapprobation of what has been done, will divert them from their present purpose.

But there is another quarter which possesses sufficient power and influence to relieve the public distresses. In twenty four hours the executive branch could adopt a measure which would afford an efficacious and substantial remedy, and re-establish confidence. And those who, in this chamber, support the administration, could not render a better service than to repair to the executive mansion, and, placing before the chief magistrate the naked and undisguised truth, prevail upon him to retrace his steps and abandon his fatal experiment. No one, sir, can perform, that duty with more propriety than yourself. You can, if you will, induce him to change his course. To you, then, sir, in no unfriendly spirit, but with feelings softened and subdued by the deep distress which pervades every class of our countrymen, I make the appeal. By your official and personal relations with the president, you maintain with him an intercourse which I neither enjoy nor covet. Go to him and tell him, without exaggeration, but in the language of truth and sincerity, the actual condition of his bleeding country. Tell him it is nearly ruined and undone, by the measures which he has been induced to put in operation. Tell him that his experiment is operating on the nation like the philosopher's experiment upon a convulsed animal, in an exhausted receiver, and that it must expire in agony, if he does not pause, give it free and sound circulation, and suffer the energies of the people to be revived and restored. Tell him that, in a single city, more than sixty bankruptcies, involving a loss of upward of fifteen millions of dollars, have occurred. Tell him of the alarming decline in the value of all property, of the depreciation of all the products of industry, of the stagnation in every branch of business, and of the close of numerous manufacturing establishments, which a few short months ago, were in active and flourishing operation. Depict to him, if you can find language to portray, the heart-rending wretchedness of thousands of the working classes cast out of employment. Tell him of the tears of helpless widows, no

longer able to earn their bread; and of unclad and unfed orphans, who have been driven by his policy, out of the busy pursuits in which but yesterday they were gaining an honest livelihood. Say to him, that if firmness be honorable, when guided by truth and justice, it is intimately allied to another quality, of the most pernicious tendency, in the prosecution of an erroneous system. Tell him how much more true glory is to be won by retracing false steps, than by blindly rushing on until his country is overwhelmed in bankruptcy and ruin. Tell him of the ardent attachmen., the unbounded devotion, the enthusiastic gratitude toward him, so often signally manifested by the American people, and that they deserve at his hands better treatment. Tell him to guard himself against the possibility of an odious comparison, with that worst of the Roman emperors, who, contemplating with indifference the conflagration of the mistress of the world, regaled himself during the terrific scene, in the throng of his dancing courtiers. If you desire to secure for yourself the reputation of a public benefactor, describe to him truly the universal distress already produced, and the certain ruin which must ensue from perseverance in his measures. Tell him that he has been abused, deceived, betrayed, by the wicked counsels of unprincipled men around him. Inform him that all efforts in Congress, to alleviate or terminate the public distress, are paralyzed, and likely to prove totally unavailing, from his influence upon a large portion of the members, who are unwilling to withdraw their support, or to take a course repugnant to his wishes and feelings. Tell him that, in his bosom alone, under actual circumstances, does the power abide to relieve the country; and that, unless he opens it to conviction, and corrects the errors of his administration, no human imagination can conceive, and no human tongue can express, the awful consequences which may follow. Entreat him to pause, and to reflect that there is a point beyond which human endurance can not go; and let him not drive this brave, generous, and patriotic people, to madness and despair.

Mr. President, unaffectedly indisposed, and unwilling as I am to trespass upon the Senate, I could not decline complying with a request addressed to me, by a respectable portion of my fellow-citizens, part of the bone and sinew of the American public. Like the senator from Massachusetts, who has been intrusted with the presentation of their petition to the Senate, I found them plain, judicious, sensible men, clearly understanding their own interests, and, with the rest of the community, writhing under the operation of the measures of the executive. If I have deviated from the beaten track of debate in the Senate, my apology must be found in the anxious solicitude which I feel for the condition of the country. And, sir, if I shall have been successful in touching your heart, and exciting in you a glow of patriotism, I shall be most happy. You can prevail upon the president to abandon his ruinous course; and, if you will exert the influence which you possess, you will command the thanks and the plaudits of a grateful people.

ON THE STATE OF THE COUNTRY AFTER THE REMOVAL OF THE DEPOSITS.

IN SENATE, MARCH 14, 1834.

[We have here another *impromptu* from Mr. Clay, on presenting several petitions for relief from the effects of the removal of the deposits. The president had seized the purse of the nation, appointed a Secretary of the Treasury, and told him what to do; and he refused to send his name to the Senate for confirmation. The Secretary, as the agent of the president—constitutionally, he is the agent of Congress—had removed the public deposits into such banks as he could find to take them, and those people who are the soul of business being in debt to the bank of the United States, could get no extension, and were called upon to pay, as their notes became due. This operated on all classes of the people, to deprive them of a currency, and to throw them out of business. The distress was universal. The powers of the purse and the sword were now in the hands of one man, and Mr. Taney was the agent of the purse. There was no mode by which Congress could recover possession of the purse, so long as the president refused to send in the name of his appointed agent, and this he would not do while he feared the Senate would not confirm his appointment. Thus stood matters at this time—no remedy for the people, no remedy for Congress. By usurping the purse, the president had usurped all power; and he had done this in the face of a resolution of the House of Representatives, that the public deposits were safe in the Bank of the United States—which was, in fact, an authoritative prohibition of their removal. This resolution was passed for the express purpose of preventing it. The Constitution had purposely put the national treasury in charge of Congress, that the president could never lay his hands upon it. But General Jackson was not a man to stop for the Constitution or laws, and he seized the purse.]

I AM charged with the pleasing duty of presenting to the Senate the proceedings of a public meeting of the people, and two memorials, subscribed by large numbers of my fellow-citizens, in respect to the exciting state of public affairs.

The first I would offer are the resolutions of the young men of Troy, assembled upon a call of upward of seven hundred of their number. I have recently visited that interesting city. It is one of the most beautiful of a succession of fine cities and villages that decorate the borders of one of the noblest rivers of our country. In spite of the shade cast upon it by its ancient and venerable sister and neighbor, it has sprung up with astonishing rapidity. When I saw it last fall, I never beheld a more respectable, active, enterprising, and intelligent business community. Every branch of employment was flourishing. Every heart beat high in satisfaction with present enjoyment, and hopes from the prospect of future success. How sadly has the scene changed! How terribly have all their anticipations of continued and increasing prosperity been dashed and disappointed by the folly and wickedness of misguided rulers!

The young men advert to this change, in their resolutions, and to its true cause. They denounce all experiments upon their happiness. They call for the safer counsels which prevailed under the auspices of Washington and Madison, both of whom gave their approbation to charters of a bank of the United States.

But what gives to these resolutions peculiar interest, in my estimation, is, that they exhibit a tone of feeling which rises far above any loss of property, however great, any distress from the stagnation of business, however intense. They manifest a deep and patriotic sensibility to executive usurpations, and to the consequent danger to civil liberty. They solemnly protest against the union of the purse and the sword in the hands of one man. They would not have consented to such a union in the person of the father of his country, much less will they in that of any living man. They feel that, when liberty is safe, the loss of fortune and property is comparatively nothing; but that when liberty is sacrificed, existence has lost all its charms.

The next document which I have to offer is a memorial, signed by nearly nine hundred mechanics of the city of Troy. Several of them are personally known to me. And judging from what I know, see, and hear, I believe there is not anywhere a more skillful, industrious, and respectable body of mechanics, than in Troy. They bear testimony to the prevalence of distress, trace it to the illegal acts of the executive branch of the government in the removal of the public deposits; ask their restoration, and the re-charter of the bank of the United States. And the committee, in their letter addressed to me, say, "We are, what we profess to be, working men, dependent upon our labor for our daily bread, confine our attention to our several vocations, and trust in God and the continental Congress for such protection as will enable us to operate successfully."

The first-mentioned depository of their confidence will not deceive them. But I lament to say that the experience during this session, does not authorize us to anticipate the co-operation in another quarter, which is indispensable to the restoration of the Constitution and laws, and the recovery of the public purse.

The last memorial I would present, has been transmitted to me by the secretaries to a meeting stated to be the largest ever held in the county of Schenectady, in New York. It is signed by about eight hundred persons. In a few instances, owing to the subscriptions having been obtained by different individuals, the same name occurs twice. The memorialists bring their testimony to the existence of distress, and the disorders of the currency, and invoke the application of the only known, tried, and certain remedy, the establishment of a national bank.

And now, Mr. President, I will avail myself of the occasion to say a few words on the subject-matter of these proceedings and memorials, and on the state of the country as we found it at the commencement of the session, and its present state.

When we met, we found the executive in the full possession of the public treasury. All its barriers had been broken down, and in place of the control of the law was substituted the uncontrolled will of the chief magistrate. I say uncontrolled; for it is idle to pretend, that the executive has not unrestrained access to the public treasury, when every officer connected with it is bound to obey his paramount will. It is not the form of keeping the account; it is not the place alone where the public money is kept; but it is the power, the authority, the responsibility of independent officers, checking and checked by each other, that constitute the public security for the safety of the public treasure. This no longer exists, it is gone, is annihilated.

The secretary sent us in a report containing the reasons (if they can be dignified with that appellation) for the executive seizure of the public purse. Resolutions were promptly offered in this body, denouncing the procedure as unconstitutional and dangerous to liberty, and declaring the total insufficiency of the reasons. Nearly three months were consumed in the discussion of them. In the early part of this protracted debate, the supporters of distress, pronounced it a panic got up for dramatic effect, and affirmed that the country was enjoying great prosperity. Instances occurred of members asserting that the places of their own residence were in the full enjoyment of enviable and unexampled prosperity, who, in the progress of the debate, were compelled reluctantly to own their mistake, and to admit the existence of deep and intense distress. Memorial after memorial poured in, committee after committee repaired to the capitol to represent the sufferings of the people, until incredulity itself stood rebuked and abashed. Then it was the bank that had inflicted the calamity upon the country; that bank which was to be brought under the feet of the president, should proceed forthwith to wind up its affairs.

And, during the debate, it was again and again pronounced by the partisans of the executive, that the sole question involved in the resolutions was, bank or no bank. It was in vain that we protested, solemnly protested, that that was not the question; and that the true question was of immensely higher import; that it comprehended the inviolability of the Constitution, the supremacy of the laws, and the union of the purse and the sword in the hands of one man. In vain did members repeatedly rise in their places, and proclaim their intention to vote for the restoration of the deposits, and their settled determination to vote against the re-charter of the bank, and against the charter of any bank. Gentlemen persisted in asserting the identity of the bank question, and that contained in the resolutions; and thousands of the people of the country are, to this moment, deluded by the erroneous belief in that identity.

Mr. President, the arts of power and its minions are the same in all countries and in all ages. It marks a victim; denounces it; and excites the public odium and the public hatred, to conceal its own abuses and encroachments. It avails itself of the prejudices and the passions of the people, silently and secretly to forge chains to inslave the people.

Well, sir, during the continuance of the debate, we have been told over and over again, that, let the question of the deposits be settled, let Congress pass upon the report of the secretary, and the activity of business and the prosperity of the country will again speedily revive. The Senate has passed upon the resolutions, and has done its duty to the country, to the Constitution, and to its conscience.

And the report of the secretary has been also passed upon in the other House; but how passed upon? The official relations which exist between the two Houses, and the expediency of preserving good feelings and harmony between them, forbid my saying all that I feel on this momentous subject. But I must say, that the House, by the Constitution, is deemed the especial guardian of the rights and interests of the people; and, above all, the guardian of the people's money in the public treasury. The House has given the question of the sufficiency of the secretary's reasons the go-by, evaded it, shunned it, or rather merged it in the previous question. The House of Representatives have not ventured to approve the secretary's reasons. It can not approve them; but, avoiding the true and original question, has gone off upon a subordinate and collateral point. It has indirectly sanctioned the executive usurpation. It has virtually abandoned its constitutional care and control over the public treasury. It has surrendered the keys, or rather permits the executive to retain their custody; and thus acquiesces in that conjunction of the sword and the purse of the nation, which all experience has evinced, and all patriots have believed, to be fatal to the continuance of public liberty.

Such has been the extraordinary disposition of this great question. Has the promised relief come? In one short week after the House pronounced its singular decision, three banks in this District of Columbia have stopped

payment and exploded. In one of them the government has, we understand, sustained a loss of thirty thousand dollars. And in another, almost within a stone's throw of the capitol, that navy pension fund, created for our infirm and disabled, but gallant tars, which ought to be held sacred, has experienced an abstraction of twenty thousand dollars! Such is the realization of the prediction of relief made by the supporters of the executive.

And what is the actual state of the public treasury? The president, not satisfied with the seizure of it, more than two months before the commencement of the session, appointed a second Secretary of the Treasury since the adjournment of the last Congress. We are now in the fifth month of the session; and in defiance of the sense of the country, and in contempt of the participation of the Senate in the appointing power, the president has not yet deigned to submit the nomination of his secretary to the consideration of the Senate. Sir, I have not looked into the record, but, from the habitual practice of every previous president, from the deference and respect which they all maintained toward a co-ordinate branch of the government, I venture to say, that a parallel case is not to be found.

Mr. President, it is a question of the highest importance, what is to be the issue, what the remedy, of the existing evils. We should deal with the people, openly, frankly, sincerely. The Senate stands ready to do whatever is incumbent upon it; but unless the majority in the House will relent, unless it will take heed of and profit by recent events, there is no hope for the nation from the joint action of the two Houses of Congress at this session. Still, I would say to my countrymen, Do not despair. You are a young, brave, intelligent, and, as yet, a free people. A complete remedy for all that you suffer, and all that you dread, is in your own hands. And the events, to which I have just alluded, demonstrate that those of us have not been deceived who have always relied upon the virtue, the capacity, and the intelligence of the people.

I congratulate you, Mr. President, and I hope you will receive the congratulation with the same heartfelt cordiality with which I tender it, upon the issue of the late election in the city of New York. I hope it will excite a patriotic glow in your bosom. I congratulate the Senate, the country, the city of New York, the friends of liberty everywhere. It was a great victory. It must be so regarded in every aspect. From a majority of more than six thousand, which the dominant party boasted a few months ago, if it retain any, it is a meager and spurious majority of less than two hundred. And the whigs contended with such odds against them—a triple alliance of State placemen, corporation placemen, and federal placemen, amounting to about thirty-five hundred, and deriving, in the form of salaries, compensations, and allowances, ordinary and extra, from the public chests, the enormous sum, annually, of nearly one million of dollars; marshaled, drilled, disciplined, commanded. The struggle was tremen-

dous; but what can withstand the irresistible power of the votaries of truth, liberty, and their country? It was an immortal triumph—a triumph of the Constitution and the laws over usurpation here, and over clubs, and bludgeons, and violence there.

Go on, noble city! Go on, patriotic whigs! follow up your glorious commencement; persevere, and pause not until you have regenerated and disenthralled your splendid city, and placed it at the head of American cities devoted to civil liberty, as it now stands pre-eminently the first as the commercial emporium of our common country. Merchants, mechanics, traders, laborers, never cease to recollect, that without freedom, you can have no sure commerce or business; and that without law you have no security for personal liberty, property, or even existence! Countrymen of Tone, of Emmet, of Macneven, and of Sampson, if any of you have been deceived, and seduced into the support of a cause dangerous to American liberty, hasten to review and correct your course! Do not forgot, that you abandoned the green fields of your native island to escape what you believed the tyranny of a British king! Do not, I adjure you, lend yourselves, in this land of your asylum, this last retreat of the freedom of man, to the establishment here, for you, and for us all, of that despotism which you had proudly hoped had been left behind you, in Europe, forever! There is much, I would fain believe, in the constitutional forms of government. But at last it is its parental and beneficent operation that must fix its character. A government may in form be free, in practice tyrannical; as it may in form be despotic, and in practice liberal and free.

It was a brilliant and signal triumph of the whigs. And they have assumed for themselves, and bestowed on their opponents, a demonstration which, according to all the analogy of history, is strictly correct. It deserves to be extended throughout the whole country. What was the origin, among our British ancestors, of those appellations? The tories were the supporters of executive power, of royal prerogative, of the maxim that the king could do no wrong, of the detestable doctrines of passive obedience and non-resistance. The whigs were the champions of liberty, the friends of the people, and the defenders of the power of their representatives in the House of Commons.

During our revolutionary war, the tories took sides with executive power and prerogative, and with the king, against liberty and independence. And the whigs, true to their principles, contended against royal executive power, and for freedom and independence.

And what is the present but the same contest in another form? The partisans of the present executive sustain his power in the most boundless extent. They claim for him all executive authority. They make his sole will the governing power. Every officer concerned in the administration, from the highest to the lowest, is to conform to his mandates. Even the public treasury, hitherto regarded as sacred, and beyond his reach, is placed

by them under his entire direction and control. The whigs of the present day are opposing executive encroachment, and a most alarming extension of executive power and prerogative. They are ferreting out the abuses and corruptions of an administration, under a chief magistrate who is endeavoring to concentrate in his own person the whole powers of government. They are contending for the rights of the people, for civil liberty, for free institutions, for the supremacy of the Constitution and the laws. The contest is an arduous one; but, although the struggle may be yet awhile prolonged, by the blessing of God, and the spirit of our ancestors, the issue can not be doubtful.

The Senate stands in the breach, ready to defend the Constitution, and to relieve the distresses of the people. But, without the concurrence of another branch of Congress, which ought to be the first to yield it, the Senate alone can send forth no act of legislation. Unaided, it can do no positive good; but it has vast preventive power. It may avert and arrest evil, if it can not rebuke usurpation. Senators, let us remain steadily by the Constitution and the country, in this most portentous crisis; let us oppose, to all encroachments and to all corruption, a manly, resolute, and uncompromising resistance; let us adopt two rules, from which we will never deviate, in deliberating upon all nominations. In the first place, to preserve untarnished and unsuspected the purity of Congress, let us negative the nominations of every member for any office, high or low, foreign or domestic, until the authority of the Constitution and laws is fully restored. I know not that there is any member of either House capable of being influenced by the prospect of advancement or promotion; I would be the last to make such an insinuation; but suspicion is abroad, and it is best, in these times of trouble and revolution, to defend the integrity of the body against all possible imputations. For one, whatever others may do, I here deliberately avow my settled determination, while I retain a seat in this chamber, to act in conformity to that rule. In pursuing it, we but act in consonance with a principle proclaimed by the present chief magistrate himself, when out of power! But, alas! how little has he respected it in power! How little has he, in office, conformed to any of the principles which he announced when out of office!

And, in the next place, let us approve of the original nomination of no notorious brawling partisan and electioneerer; but, especially, of the reappointment of no officer presented to us, who shall have prostituted the influence of his office to partisan and electioneering purposes. Every incumbent has a clear right to exercise the elective franchise. I would be the last to controvert or deny it. But he has no right to employ the influence of his office, to exercise an agency which he holds in trust for the people, to promote his own selfish or party purposes. Here, also, we have the authority of the present chief magistrate for this rule; and the authority of Mr. Jefferson. The senator from Tennessee (Mr. Grundy), merits lasting praise for his open and manly condemnation of these practices of

official incumbents. He was right, when he declared his suspicion and distrust of the purity of the motives of any officer whom he saw busily interfering in the elections of the people.

Senators! we have a highly responsible and arduous position; but the people are with us, and the path of duty lies clearly marked before us. Let us be firm, persevering, and unmoved. Let us perform our duty in a manner worthy of our ancestors; worthy of American senators; worthy of the dignity of the sovereign States that we represent; above all, worthy of the name of American freemen! Let us "pledge our lives, our fortunes, and our sacred honor," to rescue our beloved country from all impending dangers. And, amid the general gloom and darkness which prevail, let us continue to present one unextinguished light, steadily burning, in the cause of the people, of the Constitution, and of civil liberty.

ON OUR RELATIONS WITH FRANCE.

IN SENATE, JANUARY 14, 1835.

[THE government of France, by a treaty with the United States, made in 1831, had agreed to pay an indemnity to us for spoliations on our commerce, the first installment of which, about one million of dollars, was taken by the Bank of the United States, but when presented for payment, it was protested, and thrown back on the Treasury of the United States. General Jackson, as his nature was, resented it as he would a private wrong; and in his annual message of December, 1834, recommended to Congress a measure of reprisals on French commerce to obtain the consideration due. This happened in the reign of Louis Philippe, when the French Chambers refused to make the appropriation to meet the engagement. Nobody doubted that it would ultimately be paid, the present difficulty being supposed to be between the French king and the Chamber of Deputies; and it was a mere question of national policy how this dishonor of our draft should be treated. General Jackson's feeling was, Pay or fight—as no one doubted that reprisals would bring on war.

Mr. Clay was for more moderate counsels. He would have our rights, but not rush into war without giving the French government a chance to settle their own dissensions. Being at the head of the committee on foreign relations in the Senate, he made an elaborate but conciliatory report on the subject, submitting the following resolution:

Resolved that it is inexpedient, at this time, to pass any law vesting in the president authority for making reprisals upon French property, in the contingency of provision not being made for paying to the United States, the indemnity stipulated by the treaty of 1831, during the present session of the French Chambers.

General Jackson's message had gone before, and had no doubt much disturbed the temper of the French nation. The French

minister was immediately recalled from Washington, and the American minister at Paris had received his passports. The relations between the two governments were evidently extremely critical. Mr. Clay thought, if he could obtain a unanimous vote of the Senate in support of the above resolution, its effect would counteract that of the president's message, and preserve peace; and it was accordingly unanimously affirmed. The indemnity was paid, and the cloud of war blew over. The effects of General Jackson's precipitancy were neutralized by Mr. Clay's wisdom. Otherwise there would, in all probability, have been war between the United States and France.]

It is not my purpose, at the present stage of consideration of this resolution, and I hope it will not be necessary at any stage, to say much with the view of enforcing the arguments in its favor, which are contained in the report of the committee. In the present posture of our relations with France, the course which has appeared to me and to the committee most expedient being to await the issue of those deliberations in the French Chambers which may even at this moment be going on, it would not be proper to enter at large, at the present time, into all the particulars touched upon in the report. On all questions connected with the foreign affairs of the country, differences of opinion will arise, which will finally terminate in whatever way the opinion of the people of this country may so tend as to influence their representatives. But, whenever the course of things shall be such that a rupture shall unfortunately take place between this country and any foreign country (whether France or any other), I take this opportunity of saying, that, from that moment, whatever of energy or ability, whatever of influence I may possess in my country, shall be devoted to the carrying on of that war with the utmost vigor which the arms and resources of the United States can give to it. I will not anticipate, however, such a state of things; nay, I feel very confident that such a rupture will not occur between the United States and France.

With respect to the justice of our claim upon France for payment of the indemnity stipulated by the treaty, the report of the committee is in entire concurrence with the executive. The opinion of the committee is, that the claims stipulated to be paid are founded in justice; that we must pursue them; that we must finally obtain satisfaction for them, and to do so must, if necessary, employ such means as the law of nations justifies, and the Constitution has placed within our power. On these points there is no diversity of sentiment between the committee and the president; there could be no diversity between either the committee or the president and any American citizen.

In all that the president has said of the obligation of the French government to make the stipulated provisions for the claims, the committee entirely concur. If the president, in his message, after making his statement

of the case, had stopped there, and abstained from the recommendation of any specific measure, there could not have been possibly any diversity of opinion on the subject between him and any portion of the country. But, when he declares the confidence which he entertains in the French government; when he expresses his conviction that the executive branch of that government is honest and sincere in its professions, and recites the promise by it of a renewed effort to obtain the passage of a bill of appropriation by the French Chambers, it did appear to the committee inconsistent with these professions of confidence, that they should be accompanied by the recommendation of a measure which could only be authorized by the conviction that no confidence, or at least, not entire confidence, could be placed in the declarations and professions of the French government. Confidence and distrust are unnatural allies. If we profess confidence anywhere, especially if that confidence be but for a limited period, it should be unaccompanied with any indication whatever of distrust; a confidence full, free, frank. But to say, as the president, through our minister, has said, that he will await the issue of the deliberations of the Chambers, confiding in the sincerity of the king, and this, too, after hearing of the rejection of the first bill of appropriation by the Chambers, and now, at the very moment when the Chambers are about deliberating on the subject, to throw out in a message to Congress what the president himself considered might possibly be viewed as a menace, appeared to the committee, with all due deference to the executive, and to the high and patriotic purposes which may be supposed to have induced the recommendation, to be inconsistent to such a degree as not to be seconded by the action of Congress. It also appeared to the committee, after the distinct recommendation by the president on this subject, that there should be some expression of the sense of Congress in regard to it. Such an expression is proposed by the resolution now under consideration.

In speculating upon probabilities in regard to the course of the French government, in reference to the treaty, four contingences might be supposed to arise—first, that the French government may have made the appropriation to carry the treaty into effect before the reception of the president's message; second, the Chambers may make the appropriation after the reception of the president's message, and notwithstanding the recommendation on this subject contained in it; third, the Chambers may, in consequence of that recommendation, hearing of it before they shall have acted finally on the subject, refuse to make any appropriation until what they may consider a menace shall have been explained or withdrawn; or fourth, they may, either on that ground, or on the ground of dissatisfaction with the provisions of the treaty, refuse to pass the bill of appropriation. Now, in any of these contingences, after what has passed, an expression of the sense of Congress on the subject appears to me indispensable, either to the passage of the bill, or the subsequent payment of the money, if passed.

Suppose the bill to have passed before the reception of the message, and the money to be in the French treasury, it would throw upon the king a high responsibility to pay the money, unless the recommendation of the message should be explained or done away, or at any rate unless a new motive to the execution of the treaty should be furnished in the fact that the two Houses of Congress, having considered the subject, had deemed it inexpedient to act until the French Chambers should have had an opportunity to be heard from. In the second contingency, that of the passage of a bill of appropriation after receiving the message, a vote of Congress, as proposed, would be soothing to the pride of France, and calculated to continue that good understanding which it must be the sincere desire of every citizen of the United States to cultivate with that country. If the Chambers shall have passed the bill they will see that though the President of the United States, in the prosecution of a just claim, and in the spirit of sustaining the rights of the United States, had been induced to recommend the measure of reprisals, yet that a confidence was entertained in both branches of Congress that there would be a compliance, on the part of the French government, with the pledges it had given, and so forth. In that contingency, the expression of such a sentiment by Congress could not but have a happy effect. In the other contingency supposed, also, it is indispensable that some such measure should be adopted. Suppose the bill of appropriation to be rejected, or its passage to be suspended, until the Chambers ascertain whether the recommendation by the president is to be carried out by the passage of a law by Congress, a resolution like this will furnish the evidence desired of the disposition of Congress.

If, indeed, upon the reception of the president's message the Chambers shall have refused to make the appropriation, they will have put themselves in the wrong by not attending to the distribution of the powers of this government, and informing themselves whether those branches which alone can give effect to the president's recommendation, would respond to it. But, if they take the other course suggested, that of suspending action on the bill until they ascertain whether the legislative department of the government coincides with the executive in the contingent measure recommended, they will then find that the president's recommendation—the expression of the opinion of one high in authority, indeed, having a strong hold on the affections and confidence of the people, wielding the executive power of the nation, but still an inchoate act, having no effect whatever without the legislative action—had not been responded to by Congress, and so forth. Thus under all contingences happening on the other side of the water, and adapted to any one of those contingences, the passage of this resolution can do no mischief in any event, but is eminently calculated to prevent mischief, and to secure the very object which the president doubtless proposed to accomplish by his recommendation.

I will not now consume any more time of the House by further remarks, but will resume my seat with the intimation of my willingness to modify

the resolution in any manner, not changing its result, which may be calculated to secure, what on such an occasion would be so highly desirable, the unanimous vote of the Senate in its favor. I believe it, however, all-essential that there should be a declaration that Congress do not think it expedient, in the present state of the relations between the United States and France, to pass any law whatever concerning them.

[After brief remarks by several other members, the resolution was slightly modified and passed by a unanimous vote.]

ON OUR RELATIONS WITH THE CHEROKEE INDIANS.

IN SENATE, FEBRUARY 4, 1835.

[MR. CLAY'S love of justice was, perhaps, never better exemplified than in his advocacy of the rights of the Cherokee Indians, as set forth in the following speech. One can not but admire such a disinterested and fearless stand for the right. Mr. Clay was a public man, and always a candidate—not self-propounded, but because he could not help it—for the presidency. And should he not fear to offend any one State, whose suffrages might be necessary to elect him? Better, doubtless, that he should so impress that State with a sense of his unpurchasable uprightness, of his purity, and of his unyielding love of justice. If it should be discovered that he might be bought, he would forfeit respect. But such a contingency was never a matter of calculation with Mr. Clay. He went into this debate purely from the impulses of his heart—of his heart toward the poor Indians, and of his heart as it suffered shame for the wrongs which had been inflicted on them. Thus were the senators from Georgia, thus was the State of Georgia, which they represented, rebuked by every word of this speech. The wrongs done to the Cherokee Indians by that State could not be vindicated by any art or special pleading. The Constitution, the most solemn treaties, the decree of the Supreme Court of the United States, and the public conscience of mankind, were against the State of Georgia. But she was resolved to carry her purpose through, and she found one man, whose ministerial office was essential to her, and whose sense of justice was not like that of Mr. Clay—Andrew Jackson. Andrew Jackson was the man, who, acting as President of the United States, could dispense with a decree of the Supreme Court; and so he did in this very case. The field then was all open to the State of Georgia, and she drove out the Cherokees, and divided their lands by lottery among her own citizens. It was General Jack-

son's policy to remove all the Indians west of the Mississippi; and he succeeded. The poor Indians were forced to turn their backs on the graves of their fathers; and there never was a race of men who had stronger affections toward their dead. And what will become of the poor Indians next, as the tides of the white population roll on to the west, demanding their places? Will the Punic faith which swept them from their ancient homes, permit them to stay where they are? Or will it still push them forward, till the waves of the great Pacific shall open to them a burying-place, which will never be left behind with regret, because there will be none left to mourn? The last, probably, will have perished before they will reach that bourne. What judgments of Heaven will fall on the nation that shall have extinguished such a race of men, there is no prophet inspired to declare. The following speech is full of melancholy admonitions of national retribution for this species of national injustice; and they are the recorded utterances of a heart that deplored the wrongs done, and that feared for the wrong-doers.]

Mr. Clay held in his hands, and begged leave to present to the Senate, certain resolutions and a memorial, to the Senate and House of Representatives of the United States, of a council met at Running Waters, consisting of a portion of the Cherokee Indians. The Cherokees have a country—if indeed it can be any longer called their country—which is comprised within the limits of Georgia, Alabama, Tennessee, and North Carolina. They have a population which is variously estimated, but which, according to the best information which I possess, amounts to about fifteen thousand souls. Of this population, a portion, believed to be much the greater part, amounting, as is estimated, to between nine and ten thousand souls, reside within the limits of the State of Georgia. The Senate was well aware that for several years past it had been the policy of the general government to transfer the Indians to the west of the Mississippi river, and that a portion of the Cherokees had already availed themselves of this policy of the government, and emigrated beyond the Mississippi. Of those who remain, a portion—a respectable but also an inconsiderable portion—are desirous to emigrate to the West, and a much larger portion desire to remain on their lands, and lay their bones where rest those of their ancestors. The papers which I now present emanate from the minor portion of the Cherokees; from those who are in favor of emigration. They present a case which appeals strongly to the sympathies of Congress. They say that it is impossible for them to continue to live under laws which they do not understand, passed by authority in which they have no share, promulgated in language of which nothing is known to the greater portion of them, and establishing rules for their government entirely unadapted to their nature, educa-

tion, and habits. They say that destruction is hanging over them if they remain; that their right of self-government being destroyed, though they are sensible of all the privations, hardships, and sufferings of banishment from their native homes, they prefer exile, with liberty, to residence in their homes, with slavery. They implore, the intervention of the general government, to provide for their removal west of the Mississippi, and to establish guaranties, never hereafter to be violated, of the possession of the lands to be acquired by them west of the Mississippi, and of the perpetual right of self-government. This was the object of the resolutions and petition which he was about to offer to the Senate.

But I have thought that this occasion was one which called upon me to express the opinions and sentiments which I hold in relation to this entire subject, as respects not only the emigrating Indians, but those also who are desirous to remain at home; in short, to express, in concise terms, my views of the relations between the Indian tribes and the people of the United States, the rights of both parties, and the duties of this government in regard to them.

The rights of the Indians were to be ascertained, in the first place, by the solemn stipulations of numerous treaties made with them by the United States. It was not his purpose to call the attention of the Senate to all the treaties which had been made with Indian tribes bearing on this particular topic; but he felt constrained to ask the attention of the Senate to some portions of those treaties which have been made with the Cherokees, and to the memorable treaty of Greenville, which had terminated the war that previously thereto for many years raged between the United States and the north-western Indian tribes. He found, upon consulting the collection of Indian treaties in his hand, that within the last half century fourteen different treaties had been concluded with the Cherokees, the first of which bore date in the year 1775, and some one or more of which had been concluded under every administration of the general government, from the beginning of it to the present time, except the present administration, and that which immediately preceded it. The treaty of Hopewell, the first in the series, was concluded in 1775, in the third article of which "the said Indians, for themselves and their respective tribes and towns, do acknowledge all the Cherokees to be under the protection of the United States of America, and of no other sovereign whatsoever." The fifth article of the same treaty provides, that "if any citizen of the United States, or other person, not being an Indian, shall attempt to settle on any of the lands westward or southward of the said boundary, which are hereby allotted to the Indians for their hunting-grounds, or, having already settled, and will not remove from the same within six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not, as they please; provided, nevertheless, that this article shall not extend to the people settled between the fork of French Broad and Holston rivers," and so forth.

The next treaty in the series, which was concluded after the establishment of the government of the United States, under the auspices of the father of his country, was in the year 1791, on the bank of the Holston, and contains the following provision: "Article 7. The United States solemnly guaranty to the Cherokee nation all their lands not hereby ceded." This, Mr. Clay said, was not an ordinary assurance of protection, and so forth, but a solemn guaranty of the rights of the Cherokees to the land in question. The next treaty to which he would call the attention of the Senate was concluded in 1794, also under the auspices of General Washington, and declares as follows: "The undersigned, Henry Knox, Secretary for the Department of War, being authorized thereto by the President of the United States, in behalf of the said United States, and the undersigned chiefs and warriors, in their own names, and in behalf of the whole Cherokee nation, are desirous of re-establishing peace and friendship between the said parties in a permanent manner, do hereby declare, that the said treaty of Holston is, to all intents and purposes, in full force, and binding upon the said parties, as well in respect to the boundaries therein mentioned as in all other respects whatever." This treaty, it is seen, renews the solemn guaranty contained in the preceding treaty, and declares it to be binding and obligatory upon the parties in all respects whatever. Again, in another treaty, concluded in 1798, under the second chief magistrate of the United States, we find the following stipulations: "Article 2. The treaties subsisting between the present contracting parties are acknowledged to be of full and operating force; together with the construction and usage under their respective articles, and so to continue." "Article 3. The limits and boundaries of the Cherokee nation, as stipulated and marked by the existing treaties between the parties, shall be and remain the same, where not altered by the present treaty."

There were other provisions, in other treaties, to which, if he did not intend to take up as little time as possible of the Senate, he might advantageously call their attention. He would, however, pass on to one of the last treaties with the Cherokees, which was concluded in the year 1817. That treaty recognized the difference existing between the two portions of the Cherokees, one of which was desirous to remain at home and prosecute the good work of civilization, in which they had made some progress, and the other portion was desirous to go beyond the Mississippi. In that treaty, the fifth article, after several other stipulations, concludes as follows: "And it is further stipulated, that the treaties heretofore made between the Cherokee nation and the United States are to continue in full force with both parts of the nation, and both parts thereof entitled to all the privileges and immunities which the old nation enjoyed under the aforesaid treaties; the United States reserving the right of establishing factories, a military post, and roads, within the boundaries above defined." And to this treaty, thus emphatically renewing the recognition of the rights of the Indians, is signed the name, as one of the commissioners of the United

States who negotiated it, of the present chief magistrate of the United States.

These were the stipulations in treaties with the Cherokee nation, to which Mr. Clay said, he thought proper to call the attention of the Senate. He would now turn to the treaty of Greenville, concluded about forty years ago, recognizing some general principles applicable to this subject. Mr. Clay then quoted the fifth article of that treaty, as follows: "To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of that relinquishment is this: the Indian tribes who have a right to those lands are quietly to enjoy them, hunting, planting, or dwelling thereon so long as they please, without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States; and until such sale the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same. And the said Indian tribes again acknowledge themselves to be under the protection of the said United States, and no other power whatever."

Such, sir, are the rights of the Indian tribes. And what are those rights? They are, that the Indians shall live under their own customs and laws: that they shall live upon their own lands, hunting, planting, and dwelling thereon so long as they please, without interruption or molestation of any sort from the white people of the United States, acknowledging themselves under the protection of the United States, and of no other power whatever; that when they no longer wish to keep the lands, they shall sell them only to the United States, whose government thus secures to itself the pre-emptive right of purchase in them. These rights, so secured by successive treaties and guaranties, have also been recognized on several occasions, by the highest judicial tribunals. Mr. Clay here quoted, from an opinion of the Supreme Court, a passage, declaring that the Indians are acknowledged to have an unquestionable and heretofore unquestioned right to their land, until it shall be extinguished by voluntary cession to this government.

But it is not at home alone that the rights of the Indians within the limits of the United States have been recognized. Not only has the executive, the Congress of the United States, and the Supreme Court, recognized these rights, but in one of the most important epochs of this government, and on one of the most solemn occasions in our intercourse with foreign powers, these rights of the Indian tribes have been acknowledged. You, sir (addressing the President of the Senate), will understand me at once to refer to the negotiation between the government of Great Britain and that of the United States, which had for its object the termination of the late war between the two countries. Sir, it must be within your recollection, and that of every member of the Senate, that the hinge upon which

that negotiation turned, and the ground upon which it was for a long time apprehended that the conference between the commissioners would terminate in a rupture of the negotiation between the two countries, was the claim brought forward, on that memorable occasion, by Great Britain, in behalf of the Indians within the limits of the United States. It will be recollected that she advanced, as a principle from which she could not recede, as a *sine qua non*, again and again, during the progress of the negotiation, that the Indians, as her allies, should be included in the treaty of peace which the negotiators were about forming; that they should have a permanent boundary assigned them, and that neither Great Britain nor the United States should be at liberty to purchase their lands.

Such were the pretensions urged on that occasion, which the commissioners of the United States had felt it to be their imperative duty to resist. To establish as the boundary the line of the treaty of Greenville, as proposed, which would have excluded from the benefit of American laws and privileges a population of not less than a hundred thousand of the inhabitants of Ohio, American citizens, entitled to the protection of the government, was a proposition which the American negotiators could not for a moment entertain; they would not even refer it to their government, though assured that it would there meet with the same unanimous rejection that it did from them. But it became a matter of some importance that a satisfactory assurance should be given to Great Britain, that the war, which we were about to bring to a conclusion with her, should close also with her allies; and what was that assurance? Mr. Clay said he would not trouble the Senate with tracing the whole account of that negotiation, but he begged leave to call their attention to one of the passages of it. You will find on examining the history of the negotiation, that the demand brought forward by the British government through their minister, on this occasion, was the subject of several argumentative papers. Toward the close of this correspondence, reviewing the course pursued toward the aborigines by the several European powers which had planted colonies in America, comparing it with that of the United States, and contrasting the lenity, kindness, and forbearance of the United States, with the rigor and severity of other powers, the American negotiators expressed themselves as follows:

"From the rigor of this system, however, as practiced by Great Britain, and all the other European powers in America, the humane and liberal policy of the United States has voluntarily relaxed. A celebrated writer on the law of nations, to whose authority British jurists have taken particular satisfaction in appealing, after stating, in the most explicit manner, the legitimacy of colonial settlements in America, to the exclusion of all rights of uncivilized Indian tribes, has taken occasion to praise the first settlers of New England, and of the founder of Pennsylvania, in having purchased of Indians the land they resolved to cultivate, notwithstanding their being

furnished with a charter from their sovereign. It is this example which the United States, since they became by their independence the sovereigns of the territory, have adopted and organized into a political system. Under that system the Indians residing in the United States are so far independent, that they live under their own customs, and not under the laws of the United States; that their rights upon the lands where they inhabit or hunt are secured to them by boundaries defined in amicable treaties between the United States and themselves; and that whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States ample compensation for every right they have to the lands ceded by them," and so forth.

The correspondence was further continued; and, finally, the commissioners on the part of Great Britain proposed an article to which the American commissioners assented, the basis of which is, a declaration of what is the state of the law between the Indian tribes and the people of the United States. They then proposed a further article which declared that the United States should endeavor to restore peace to the Indians who had acted on the side of Great Britain, together with all the rights, possessions, privileges, and immunities which they possessed prior to the year 1811, that is, antecedently to the war between England and the United States; in consideration that Great Britain would terminate the war, so far as respected the Indians who had been allies of the United States, and restore to them all the rights privileges, possessions, and immunities which these also had enjoyed previously to the same period. Mr. President, I here state my solemn belief, that if the American commissioners had not declared the laws between the Indians and the people of this country, and the rights of the Indians to be such as they are stated to be in the extracts I have read to the Senate; if they had then stated that any one State of this Union who happened to have Indians residing within its limits, possessed the right of extending over them the laws of such State, and of taking their lands, when and how it pleased, that the effect would have been a prolongation of the war. I again declare my most solemn belief that Great Britain, who assented with great reluctance to this mutual stipulation with respect to the Indians, never would have done it at all, but under a conviction of the correspondence of those principles of Indian international law (if I may use such a phrase) with those which the United States government had respected ever since the period of our independence.

Sir, if I am right in this, let me ask whether in adopting the new code which now prevails, and by which the rights of the Indians have been trampled on, and the most solemn obligations of treaties have been disregarded, we are not chargeable with having induced that power to conclude a peace with us by suggestions utterly unfounded and erroneous?

Most of the treaties between the Cherokee nation of Indians and the United States have been submitted to the Senate for ratification, and the

Senate have acted upon them in conformity with their constitutional power. Besides the action of the Senate, as a legislative body, in the enactment of laws in conformity with their stipulations, regulating the intercourse of our citizens with that nation, it has acted in its separate character, and confirmed the treaties themselves by the constitutional majority of two thirds of its members. Thus have those treaties been sanctioned by the government of the United States, and by every branch of that government; by the Senate, the executive, and the Supreme Court; both at home and abroad. But not only have the rights of the Cherokees received all these recognitions; they have been, by implication, recognized by the State of Georgia itself, in the act of 1802, in which she stipulated that the government of the United States, and not the State of Georgia, should extinguish the Indian title to land within her limits; and the general government has been, from time to time, urged by Georgia to comply with its engagement from that period until the adoption of the late new policy upon this subject.

Having thus, Mr President, stated, as I hope with clearness, the rights of Indian tribes, as recognized by the most solemn acts that can be entered into by any government, let me, in the next place, inquire into the nature of the injuries which have been inflicted upon them; in other words, into the present condition of these Cherokees, to whom protection had been assured as well by solemn treaties as by the laws and guaranties of the United States government.

And here let me be permitted to say, that I go into this subject with feelings which no language at my command will enable me adequately to express. I assure the Senate, and in an especial manner do I assure the honorable senators from Georgia, that my wish and purpose are any other than to excite the slightest possible irritation on the part of any human being. Far from it. I am actuated only by feelings of grief, feelings of sorrow, and of profound regret, irresistibly called forth by a contemplation of the miserable condition to which these unfortunate people have been reduced by acts of legislation proceeding from one of the States of this confederacy. I again assure the honorable senators from Georgia, that, if it has become my painful duty to comment upon some of these acts, I do it not with any desire to place them, or the State they represent, in an invidious position; but because Georgia was, I believe, the first in the career, the object of which seems to be the utter annihilation of every Indian right, and because she has certainly, in the promotion of it, far outstripped every other State in the Union.

I have not before me the various acts of the State in reference to the Indians within her bounds; and it is possible I may be under some mistake in reference to them; and if I am, no one will correct the error more readily, or with greater pleasure.

If, however, I had all those laws in my hands, I should not now attempt to read them. Instead of this, it will be sufficient for me to state the effects which have been produced by them upon the condition of the Cher-

okee Indians residing in that State. And here follows a list of what has been done by her Legislature. Her first act was to abolish the government of these Cherokees. No human community can exist without a government of some kind; and the Cherokees, imitating our example, and having learned from us something of the principles of a free Constitution, established for themselves a government somewhat resembling our own. It is quite immaterial to us what its form was. They always had had some government among them; and we guarantied to them the right of living under their own laws and customs, unmolested by any one; insomuch that our own citizens were outlawed should they presume to interfere with them. What particular regulations they adopted, in the management of their humble and limited concerns, is a matter with which we have no concern. However, the very first act of the Georgia Legislature was, to abolish all government of every sort among these people, and to extend the laws and government of the State of Georgia over them. The next step was to divide their territory into counties; the next, to survey the Cherokee land; and the last, to distribute this land among the citizens of Georgia by lottery, giving to every head of a family one ticket, and the prize in land that should be drawn against it. To be sure there were many reservations for the heads of Indian families; and of how much did gentlemen suppose? of one hundred and sixty acres only, and this to include their improvements. But even to this limited possession the poor Indian was to have no fee-simple title; he was to hold as a mere occupant, at the will of the State of Georgia, for just as long or as short a time as she might think proper. The laws at the same time gave him no one political right, whatever. He could not become a member of the State Legislature, nor could he hold any office under State authority, nor could he vote as an elector. He possessed not one single right of a freeman: no; not even the poor privilege of testifying to his wrongs in the character of a witness in the courts of Georgia, or in any matter of controversy whatsoever.

These, Mr. President, are the acts of the Legislature of the State of Georgia, in relation to the Indians. They were not all passed at one session; they were enacted, time after time, as the State advanced further and further in her steps to the acquisition of the Indian country, and the destruction and annihilation of all Indian rights; until, by a recent act of the same body, the courts of the State itself are occluded against the Indian sufferer, and he is actually denied an appeal even to foreign tribunals, in the erection and in the laws of which he had no voice, there to complain of his wrongs. If he enters the hall of Georgia's justice, it is upon a surrender at the threshold of all his rights. The history of this last law, to which I have alluded, is this: when the previous law of the State dividing the Indian lands by lottery was passed, some Indians made an appeal to one of the judges of the State, and applied for an injunction against the proceeding; and such was the undeniable justice of their plea, that the judge found himself unable to refuse it, and he granted the injunction

sought. It was that injunction which led to the passage of this act; to some of the provisions of which I now invite the attention of the Senate. And first to the title of the act; "a bill to amend an act entitled an act more effectually to provide for the government and protection of the Cherokee Indians residing within the limits of Georgia, and to prescribe the bounds of their occupant claims; and also to authorize grants to issue for lots drawn in the late land and gold lotteries"—ah, sir, it was the pursuit of *gold* which led the Spanish invader to desolate the fair fields of Mexico and Peru—"and to provide for the appointment of an agent to carry certain parts thereof into execution; and to fix the salary of such agent, and to punish those persons who may deter Indians from enrolling for emigration, passed the 20th of December, 1833." Well, sir, this bill goes on to provide, "that it shall be the duty of the agent or agents appointed by his excellency the governor, under the authority of this or the act of which it is amendatory, to report to him the number, district, and section of all lots of land subject to be granted by the provisions of said act, which he may be required to do by the drawer, or his agent, or the person claiming the same; and it shall be the duty of his excellency the governor, upon the application of the drawer of any of the aforesaid lots, his or her special agents, or the person to whom the drawer may have *bonâ fide* conveyed the same, his agent or assigns, to issue a grant therefor; and it shall be the duty of the said agent or agents, upon the production of the grant so issued as aforesaid by the grantor, his or her agent, or the person, or his or her agent to whom said land so granted as aforesaid may have been *bonâ fide* conveyed, to deliver possession of said granted lot to the said grantee, or person entitled to the possession of the same under the provisions of this act, or the act of which this is amendatory, and his excellency the governor is hereby authorized, upon satisfactory evidence that the said agent is impeded or resisted in delivering such possession, by a force which he can not overcome, to order out a sufficient force to carry the power of said agent or agents fully into effect, and to pay the expenses of the same out of the contingent fund; *provided* nothing in this act shall be so construed as to require the interference of the said agent between two or more individuals claiming possession, by virtue of titles derived from a grant from the State to any lot."

Thus, after the State of Georgia had distributed the lands of the Indians by lottery, and the drawers of prizes were authorized to receive grants of the land drawn, and with these grants in their hand were authorized to demand of the agent of the State, appointed for the purpose, to be put in possession of the soil thus obtained; and if any resistance to their entry should be made—and who was to make it but a poor Indian?—the governor is empowered to turn out the military force of the State, and enable the agent to take possession by force, without trial, without judgment, and without investigation.

But, should there be two claimants of the prize, should two of the ticket-

holders dispute their claim to the same lot, then no military force was to be used. It was only when the resistance was by an Indian—it was only when Indian rights should come into collision with the alleged rights of the State of Georgia—that the strong hand of military power was instantly to interpose.

The next section of the act is in these words: "and be it further enacted by the authority aforesaid, that if any person dispossessed of a lot of land under this act, or the act of which it is amendatory, shall go before a justice of the peace or of the inferior court, and make affidavit that he or she was not liable to be dispossessed under or by any of the provisions of this or the aforesaid act, and file said affidavit in the clerk's office of the Superior Court of the county in which said land shall lie, such person upon giving bond and security in the clerk's office for the costs to accrue on the trial, shall be permitted within ten days from such dispossessing to enter an appeal to said Superior Court and at said court the judge shall cause an issue to be made up between the appellant and the person to whom possession of said land was delivered by either of said agents, which said issue shall be in the following form."

[Mr. Cuthbert, of Georgia, here interposed; and having obtained Mr. Clay's consent to explain, stated that he had unfortunately not been in the Senate when the honorable senator commenced his speech; but had learned that it was in support of a memorial from certain Cherokee Indians in the State of Georgia, who desired to emigrate. He must be permitted to say, that the current of the honorable senator's remarks did not suit remarkably well the subject of such a memorial. A memorial of a different kind had been presented, and which the committee on Indian affairs had before it, to which the senator's remarks would better apply. The present discussion was wholly unexpected, and it seemed to him not in consistency with the object of the memorial he had presented.]

Mr. Clay replied, that he was truly sorry the honorable gentleman had been absent when he commenced speaking. He had delayed presenting the memorial, because he observed that neither of the senators from Georgia was in his seat, until the hour when they might be expected to be present, and when one of them (Mr. King), had actually taken his seat. If the honorable senator had been present he would have heard Mr. Clay say that he thought the presentation of the memorial a fit occasion to express his sentiments, not only touching the rights of these individual petitioners, but on the rights of all the Indian tribes, and their relations to this government. And if he would have but a little patience he would find that it was Mr. Clay's intention to present propositions which went to embrace both resolutions.

Mr. Clay now resumed the course of his speech. And here, Mr. President, let me pause, and invite the attention of the Senate to the provision in the act of Georgia which I was reading (the substance of which Mr. Clay here repeated), that is, that he may have the privilege of an appeal to a tribunal of justice by forms and by a bond with the nature and force

of which he is unacquainted; and that then he may have—what beside? I invoke the attention of the Senate to this part of the law. What, I ask, does it secure to the Indian? His rights? the rights recognized by treaties? the rights guaranteed to him by the most solemn acts which human governments can perform? No. It allows him to come into the courts of the State, and there to enjoy the benefit of the summary proceeding called in the act "an appeal," but which can never be continued beyond a second term; and when he comes there, what then? He shall be permitted to come into court and enter an appeal, which shall be in the following form:

"A. B., who was dispossessed of a lot of land by an agent of the State of Georgia, comes into court, and, admitting the right of the State of Georgia to pass the law under which agent acted, avers that he was not liable to be dispossessed of said land, by or under any one of the provisions of the act of the General Assembly of Georgia, passed the 20th of December, 1833, 'more effectually to provide for the protection of the Cherokee Indians residing within the limits of Georgia, and to prescribe the bounds of their occupant claims, and also to authorize grants to issue for lots drawn in the land and gold lotteries in certain cases, and to provide for the appointment of an agent to carry certain parts thereof into execution, and fix the salary of such agent, and to punish those persons who may deter Indians from enrolling for emigration,' or the act amendatory thereof, passed at the session of the Legislature of 1834: 'in which issue the person to whom possession of said land was delivered shall join; and which issue shall constitute the entire pleadings between the parties; nor shall the court allow any matter other than is contained in said issue to be placed upon the record or files of said court; and said cause shall be tried at the first term of the court, unless good cause shall be shown for a continuance, and the same party shall not be permitted to continue said cause more than once, except for unavoidable providential cause; nor shall said court at the instance of either party pass any order or grant any injunction to stay said cause, nor permit to be engrafted on said cause any other proceedings, whatever.'"

At the same time we find, by another enactment, the judges of the courts of Georgia are restrained from granting injunctions, so that the only form in which the Indian can come before them is in the form of an appeal; and in this, the very first step is an absolute renunciation of the rights he holds by treaty, and the unqualified admission of the rights of his antagonist, as conferred by the laws of Georgia; and the court is expressly prohibited from putting any thing else upon the record. Why? do we not all know the reason? If the poor Indian was allowed to put in a plea stating his rights, and the court should then decide against him, the cause would go upon an appeal to the Supreme Court; the decision could be re-examined, could be annulled, and the authority of treaties vindicated. But, to prevent this, to make it impossible, he is compelled, on entering the court, to renounce his Indian rights, and the court is forbidden to put any thing on record which can bring up a decision upon them.

Mr. President, I have already stated that, in the observations I have

made, I am actuated by no other feelings than such as ought to be in the breast of every honest man, the feelings of common justice. I would say nothing, I would whisper nothing, I would insinuate nothing, I would think nothing, which can, in the remotest degree, cause irritation in the mind of any one, of any senator here, of any State in this Union; I have too much respect for every member of the confederacy. I feel nothing but grief for the wretched condition of these most unfortunate people, and every emotion of my bosom dissuades me from the use of epithets that might raise emotions which should draw the attention of the Senate from the justice of their claims. I forbear to apply to this law any epithet of any kind. Sir, no epithet is needed. The features of the law itself; its warrant for the interposition of military power, when no trial and no judgment has been allowed; its denial of any appeal, unless the unhappy Indian shall first renounce his own rights, and admit the rights of his opponent; features such as these are enough to show what the true character of the act is, and supersede the necessity of all epithets, were I even capable of applying any.

The Senate will thus perceive that the whole power of the State of Georgia, military as well as civil, has been made to bear upon these Indians, without their having any voice in forming, judging upon, or executing the laws under which he is placed, and without even the poor privilege of establishing the injury he may have suffered, by Indian evidence; nay, worse still, not even by the evidence of a white man! Because the renunciation of his rights precludes all evidence, white or black, civilized or savage. There then he lies, with his property, his rights, and every privilege which makes human existence desirable, at the mere mercy of the State of Georgia; a State, in whose government or laws he has no voice. Sir, it is impossible for the most active imagination to conceive a condition of human society more perfectly wretched. Shall I be told that the condition of the African slave is worse? No, sir; no, sir. It is not worse. The interest of the master makes it at once his duty and his inclination, to provide for the comfort and the health of his slave; for without these, he would be unprofitable. Both pride and interest render the master prompt in vindicating the rights of his slave, and protecting him from the oppression of others: and the laws secure to him the amplest means to do so. But who, what human being, stands in the relation of master or any other relation, which makes him interested in the preservation and protection of the poor Indian thus degraded and miserable? Thrust out from human society, without the sympathies of any, and placed without the pale of common justice, who is there to protect him, or to defend his rights?

Such, Mr. President, is the present condition of these Cherokee memorialists, whose case it is my duty to submit to the consideration of the Senate. There remains but one more inquiry before I conclude. Is there any REMEDY within the scope of the powers of the federal government, as given by the Constitution? If we are without power, if we have no constitutional authority, then we are also without responsibility. Our regrets

may be excited, our sympathies may be moved, our humanity may be shocked, our hearts may be grieved, but if our hands are tied, we can only unite with all the good, the Christian, the benevolent portion of the human family, in deploring what we can not prevent.

But, sir, we are not thus powerless. I stated to the Senate, when I began, that there are two classes of the Cherokees: one of these classes desires to emigrate, and it was their petition I presented this morning; and with respect to these, our powers are ample to afford them the most liberal and effectual relief. They wish to go beyond the Mississippi, and to be guarantied in the possession of the country which may be there assigned to them. As the Congress of the United States have full powers over the Territories, we may give to them all the guaranty which Congress can express, for the undisturbed possession of their lands. With respect to their case, there can be no question as to our powers.

And then, as to those who desire to remain on this side of the river, I ask, again, are we powerless? Can we afford them no redress? Must we sit still and see the injury they suffer, and extend no hand to relieve them? It were strange, indeed, were such the case. Why have we guarantied to them the enjoyment of their own laws? Why have we pledged to them protection? Why have we assigned them limits of territory? Why have we declared that they shall enjoy their homes in peace, without molestation from any? If the United States government has contracted these serious obligations, it ought, before the Indians were reduced by our assurances to rely upon our engagement, to have explained to them its want of authority to make the contract. Before we pretend to Great Britain, to Europe, to the civilized world, that such were the rights we would secure to the Indians, we ought to have examined the extent and the grounds of our own rights to do so. But is such, indeed, our situation? No, sir. Georgia has shut her courts against these Indians. What is the remedy? To open ours. Have we not the right? What says the Constitution? "The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority."

But here was a case of conflict between the rights of the proprietors and the local laws; and here was the very case which the Constitution contemplated, when it declared that the power of the federal judiciary should extend to all cases under the authority of the United States. Therefore, it was fully within the competence of Congress, under the provisions of the Constitution, to provide the manner in which the Cherokees might have their rights decided, because a grant of the means was included in the grant of jurisdiction. It was competent, then, for Congress to decide whether the Cherokees had a right to come into a court of justice and to make an appeal to the highest authority, to sustain the solemn treaties under which their rights had been guarantied, and in the sacred character of which they had reposed their confidence. And if Congress possessed

the power to extend relief to the Indians, were they not bound, by the most sacred of human considerations, the obligations of treaties, the protection assured them, by every Christian tie, every benevolent feeling, every humane impulse of the human heart, to extend it! If they were to fail to do this, and there was, as reason and revelation declared there was, a tribunal of eternal justice, to which all human power was amenable, how could they, if they refused to perform their duties to this injured and oppressed, though civilized race, expect to escape the visitations of that divine vengeance which none would be permitted to avoid, who had committed wrong, or done injustice to others?

At this moment, when the United States were urging on the government of France the fulfillment of the obligations of the treaty concluded with that country, to the execution of which it was contended that France had plighted her sacred faith, what strength, what an irresistible force would be given to our plea, if we could say to France that in all instances, we had completely fulfilled all our engagements, and that we had adhered faithfully to every obligation which we had contracted, no matter whether it was entered into with a powerful or a weak people; if we could say to her, that we had complied with all our engagements to others, that we now came before her, always acting right as we had done, to induce her also to fulfill her obligations to us. How should we stand in the eyes of France and of the civilized world, if we, in spite of the most solemn treaties, which had existed for half a century, and had been recognized in every form, and by every branch of the government; how would they be justified, if they suffered these treaties to be trampled under foot, and the rights which they were to secure, trodden into the dust? How would great Britain, after the solemn understanding, entered into with her at Ghent, feel, after such a breach of faith? And how could he, as a commissioner on the negotiation of that treaty, hold up his head before Great Britain, after having been thus made an instrument of fraud and deception, as he assuredly would have been, if the rights of the Indians are to be thus violated, and the treaties by which they were secured, violated? How could he hold up his head, after such a violation of rights, and say that he was proud of his country, of which they all must wish to be proud?

For himself, he rejoiced that he had been spared, and allowed a suitable opportunity to present his views and opinions, on this great national subject, so interesting to the national character of the country for justice and equity. He rejoiced that the voice which, without charge of presumption or arrogance, he might say, was ever raised in defense of the oppressed of the human species, had been heard in defense of this most oppressed of all. To him, in that awful hour of death, to which all must come, and which, with respect to himself, could not be very far distant, it would be a source of the highest consolation, that an opportunity had been found by him, on the floor of the Senate, in the discharge of his official duty, to pronounce his views on a course of policy marked by such wrongs as were

calculated to arrest the attention of every one, and that he had raised his humble voice, and pronounced his solemn protest, against such wrongs.

He would no longer detain the Senate, but would submit the following propositions.

Resolved, that the commitee on the judiciary be directed to inquire into the expediency of making further provision, by law, to enable Indian nations or tribes, to whose use and occupancy lands are secured by treaties concluded between them and the United States, to defend and maintain their rights to such lands, in the courts of the United States, in conformity with the Constitution of the United States.

Resolved, that the committee on Indian affairs be directed to inquire into the expediency of making further provisions, by law, for setting apart a district of country west of the Mississippi river, for such of the Cherokee nation as may be disposed to emigrate and to occupy the same, and for securing, in perpetuity, the peaceful and undisturbed enjoyment thereof, to the emigrants and their descendants.

Mr. Clay moved that the memorial and resolutions adopted by the council of the Running Waters, be referred to the committee on Indian affairs, and printed.

As to his resolutions, he knew, that in the regular order of business, they could not be taken up until to-morrow, but, if it met with the approbation of the Senate, he would be as well disposed to act on them to-day as to-morrow.

In reply to Mr. Cuthbert, of Georgia, and Mr. White, of Tennessee, Mr. Clay said he could assure the honorable senator from Georgia, that nothing was further from his purpose, than to make any display on this occasion. That he always left to others, and by the judgment of the Senate he was willing to abide, whether the honorable senator himself had not been guilty of that which he imputed to others. For, after addressing the Senate, himself, some time, he had said that he did not intend arguing the question, that Georgia would not appear before the Senate or any other tribunal. Now, Georgia might be content to do that, but could Congress, could honorable senators, reconcile it with their duty, with their responsibility to coldly contemplate the violation of numerous treaties, to witness the destruction of a people under the protection of the United States, and to let that injustice which had been inflicted on these unfortunate Cherokees, be perpetuated without the slightest notice on their part?

The gentleman from Tennessee (Mr. White) had remarked, that they were all unconstitutional treaties; that they had no binding force as treaties; that General Washington was mistaken; that every succeeding administration was mistaken; that General Jackson himself was mistaken, in 1817, in regard to these treaties. Now, if they gave the argument of the honorable senator from Tennessee its full force, what was the consequence? What did he (Mr. Clay) offer? He said, merely to open the question to the court. If they had no validity, if the

question which was sent to the judiciary did not rest upon treaties, they could vindicate no rights under them. Why had Georgia, if she believed there were no treaties, made provisions in her late act to which he had referred? Why shut out the rights of the Indians under the treaty? Why, if she was convinced of the unconstitutionality of the treaties, did she not allow them to be submitted to the federal judiciary, which was bound to declare that they were not obligatory and binding, if unconstitutional? Why has she studiously precluded the possibility of a review, in the Supreme Court, of the decisions of the local tribunals? But the gentleman had told the Senate, that the treaty of '91 was the first that guarantied to the Cherokees their lands, and that President Washington doubted whether it was necessary to submit it to the Senate. It might be true, at the commencement of the government, when every thing was new and unfixed, that there were doubts; but General Washington decided that it was a treaty, and laid it, with his doubts, before the Senate, who decided them, and the treaty was ratified by and with the consent of the Senate. And from that day those doubts have remained dispelled. He was indebted to the honorable senator for the historical fact which he (Mr. Clay) had not before pressed, that this very guaranty which secured to the Indians the undisturbed possession of their lands in the treaty of '91, was inserted by the express direction of the father of his country. And the Senate was called upon now, not merely to violate the solemn obligations which the whole nation had contracted, but to violate the provision which had been inserted at the instance of the venerated father of his country!

The honorable senator had told this body, that the treaty of '91 was the first in which there was any guaranty. If the gentleman meant to say it was the first in which there was any express guaranty, he (Mr. Clay) would admit it. But, in the treaty of '85, if it was not expressed, was it not implied? What was that clause, marking the boundaries of their territory? That, in the same treaty, which places the Indians under the protection of the United States, and excludes them from the authority of any other sovereign? And that which outlaws citizens of the United States who intrude in their territory? What was the meaning of those clauses, if they did not, by implication at least, guaranty their rights, their property, and the peace of their country? But, the gentleman says, that in inserting the guaranty of '91, there was a mistake; it was supposed that it was without the limits of North Carolina, and other States; a mistake which ran through all the treaties from that time down to 1817, which renewed and enforced the pre-existing treaties. So that General Jackson himself had been acting under a mistake when he signed the treaty of 1817. Is it possible, that, if a mistake were committed as early as 1791, it would not have been corrected in some of the various treaties negotiated as late as 1817?

The senator had said also, that the States had a right to extend their

laws over all the territories and people within their limits, as defined by the treaty of '83. Why, that was the very question under consideration, the identical question to be submitted to the judiciary. He (Mr. Clay) contended that the States had no right to extend their laws over that portion of the territory assigned to the Indians, or over the Indians dwelling upon it. And that is the exact question which his resolution proposes to be submitted to the determination of the judiciary, and which the late act of Georgia carefully shuns.

But the senator from Tennessee had asked, "What will the poor Indian, with his six hundred and forty acres of land, do, contending for his rights in a court of justice?" Why, he (Mr. Clay) would admit that his condition would be miserable enough; but it was all they could do for him, and they were bound to do all they could, under the constitutional power they possessed, to maintain his rights. But, he would ask, what was to prevent these Indians, in their corporate, or collective character, from bringing their grievances before the courts? Nothing. And, that they were competent to this, we had only to look at the state papers which had emanated from them, and which did them immortal credit, to be convinced. The senator from Tennessee asked, "What the States would do? Would they array the federal power against the power of the State governments, and thus produce that condition of things which must result in the Indians' being stricken from the face of the earth?" Did not the honorable senator remember the period when a State of this Union was actually arrayed and marshaled to defend its interpretation of the Constitution? He was hearty in the support of the force bill; he did not stop to look at the possible consequences of a civil war. He (Mr. Clay) gave it his reluctant and most painful support. He would gladly have turned the bitter cup from his lips, but he felt it to be his duty to sustain the authority of the general government; and, after giving to the subject the most solemn and serious consideration, he felt himself constrained to sustain that measure. And he went along with the senator from Tennessee upon the principle, now denied by him, that the federal authority must maintain its dignity. He went upon the ground, now abandoned by the senator from Tennessee, that no State ought to array itself against the constitutional powers of this government.

How was the fact up to the period of 1829? The gentleman from Tennessee tells us the true policy of this government is to send those poor creatures beyond the Mississippi, and that there is no impediment in the obligations of subsisting treaties. Never, until the new light burst upon us, that hundreds of Indian treaties, made during a period of half a century, under almost every administration of the government, concluded and ratified with all the solemn forms of a Constitution, and containing the most explicit guaranties and obligations of protection to the Indians, and of security to their possessions, were mere nullities, was it supposed competent to effect a compulsory removal of the Indians beyond the Missis-

sippi. It is true, that the policy of removing them has long been entertained; was contemplated by Mr. Jefferson; but it was a free, voluntary, and unconstrained emigration. No one, until of late, ever dreamed of a forcible removal, against their consent, accomplished either by direct application of military power, or by cruel and intolerable local legislation. He wished that they would voluntarily remove. He believed that absorption or extinction was the only alternative of their remaining in the bosom of the whites. But they were a part of the human race, as capable as we are of pleasure and pain, and invested with as indisputable a right as we have, to judge of and pursue their own happiness.

It is said, that annihilation is the destiny of the Indian race. Perhaps it is, judging from the past. But shall we therefore hasten it? Death is the irreversible decree pronounced against the human race. Shall we accelerate its approach, because it is inevitable? No, sir. Let us treat with the utmost kindness, and the most perfect justice, the aborigines whom Providence has committed to our guardianship. Let us confer upon them, if we can, the inestimable blessings of Christianity and civilization, and then, if they must sink beneath the progressive wave of civilized population, we are free from all reproach, and stand acquitted in the sight of God and man.

The senator from Tennessee has left the Senate under the impression, no doubt unintentionally, that three other States had advanced as far as Georgia in the exercise of a jurisdiction over the Indians and their property. But if he (Mr. Clay) were rightly informed, this was far from correct. North Carolina had exercised no such jurisdiction. She had not touched a hair upon the head of any Indian. Tennessee had extended her laws to the Indian country, for the sole purpose of protecting the Indians, and punishing the white intruders. Her upright judges and tribunals concurred, unanimously, if he were rightly informed, in supporting the Indian rights. No State, he believed, but Georgia, had seized upon the Indian lands, and distributed them among the whites. From the commencement of our independence down to this time, there was not another instance of such seizure, and appropriation, by any other member of the confederacy.

Mr. Clay assured the senator from Georgia, that he had not sought for the position in which he was placed. It was sought of him. He was applied to by the unfortunate Cherokees, to present their case to the Senate. And he should have been false and faithless to his heart, and unworthy of human nature, if he had declined to be their organ, however inadequate he feared he had proved himself to be.

On the whole, then, said Mr. Clay, the resolutions proposed an inquiry into the suitableness of making further provision for the Cherokees who choose to emigrate beyond the Mississippi. And in regard to those of them who will not go, but who prefer to cling to the graves of their forefathers, and to the spot which gave them birth, in spite of any destiny im-

pending over them, the resolution proposes, that, since Georgia has shut her courts against them, we should inquire whether we should not open those of the federal government to them, and ascertain whether, according to the Constitution, treaties, and laws, we are capable of fulfilling the obligations which we have solemnly contracted.

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